The following-named lieutenants (junior grade) to be lieutenants in the Navy from the 1st day of June 1935.

Harry A. Simms
Glenn M. Cox

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 2d day of June 1935:

Richard S. Mandelkorn	Robert T. Simpson
Floyd B. Schultz	Joseph J. Loughlin, Jr.
Charles J. Weschler	Charlton L. Murphy, Jr.
Francis A. Van Slyke	John H. S. Johnson
William R. Miller	Terrell A. Nisewaner
Charles J. Palmer	Albert E. Gates, Jr.
Paul W. Pfingstag	Irwin Chase, Jr.
Robert L. Evans	Henry H. McCarley
Halford A. Knoertzer	Reader C. Scott
Walter D. Coleman	Charles H. Kretz, Jr.
Donald I. Thomas	Charles H. Smith

Midshipman George Hutchinson to be an ensign in the Navy, revocable for 2 years, from the 6th day of June 1935.

Midshipman Robert M. Hinckley, Jr., to be an ensign in the Navy, revocable for 2 years, from the 6th day of June 1935.

The following-named medical inspectors to be medical directors in the Navy, with the rank of captain, from the 1st day of July 1935:

Andrew B. Davidson
William L. Irvine
Griffith E. Thomas

Medical Inspector Gardner E. Robertson to be a medical director in the Navy, with the rank of captain, from the 1st day of July 1935.

Surgeon Rolland R. Gasser to be a medical inspector in the Navy, with the rank of commander, from the 1st day of August 1934.

The following-named surgeons to be medical inspectors in the Navy, with the rank of commander, from the 30th day of June 1935:

John H. Chambers	Leslie B. Marshall
Orville R. Goss	Robert P. Parsons
Paul T. Crosby	Travis S. Moring
Ladislaus L. Adamkiewicz	Lynn N. Hart
Robert H. Snowden	Robert H. Collins
Thomas L. Morrow	Otis Wildman
William H. H. Turville	Charles L. Oliphant
Clarence J. Brown	John E. Porter
Ely L. Whitehead	Horace R. Boone
Arthur H. Dearing	Fenimore S. Johnson
Paul M. Albright	David Ferguson, Jr.
Charles H. Savage	Stephen R. Mills
Walter A. Fort	James A. Brown
Felix P. Keaney	Rollo W. Hutchinson
James R. Thomas	Carlton L. Andrus
Frank W. Ryan	Millard F. Hudson
Robert B. Team	John T. Stringer
Walter M. Anderson	John H. Robbins

Dental Surgeon Leon C. Frost to be a dental surgeon in the Navy, with the rank of commander, from the 30th day of June 1935.

Passed Assistant Paymaster John L. H. Clarholm to be a paymaster in the Navy, with the rank of lieutenant commander, from the 1st day of June 1934.

Passed Assistant Paymaster Charles J. Lanier to be a paymaster in the Navy, with the rank of lieutenant commander, from the 29th day of June 1934.

Naval Constructor Joseph L. McGuigan to be a naval constructor in the Navy, with the rank of commander, from the 1st day of August 1934.

The following-named naval constructors to be naval constructors in the Navy, with the rank of commander, from the 30th day of June 1935:

Robert N. S. Baker
William Nelson

The following-named naval constructors to be naval constructors in the Navy, with the rank of commander, from the 1st day of July 1935:

Melville W. Powers
Howard L. Vickery

The following-named civil engineers to be civil engineers in the Navy, with the rank of commander, from the 30th day of June 1935:

Ben Moreell	William H. Smith
Carl A. Trexel	Willard A. Pollard, Jr.
Alden K. Fogg	John J. Manning
Robert E. Thomas	William M. Angas
Edward C. Seibert	

Gunner Stanley F. Krom to be a chief gunner in the Navy, to rank with but after ensign, from the 1st day of October 1934.

CONFIRMATIONS

Executive nominations confirmed by the Senate July 17 (legislative day of May 13), 1935

POSTMASTERS

ALABAMA

Grace C. Spangler, Leighton.
Jeptha H. Blake, Sheffield.

COLORADO

Lena Humiston, Bayfield.
Rose Richards, Buena Vista.
Rudolph G. Verzuh, Crested Butte.
Jenner A. Hames, Genoa.
Anna May Durham, Mount Morrison.
Cleatus G. Marshall, Pagosa Springs.

INDIANA

Blanche Webster, Bloomingdale.
Lawrence H. Barkley, Moores Hill.

MASSACHUSETTS

Thomas F. Coady, North Attleboro.
Timothy W. Fitzgerald, Salem.
Frank J. Lucey, Wenham.

NEBRASKA

Rose T. Fleming, Monroe.

OHIO

Franklyn W. Thomas, Bowling Green.
Raymond C. Ritenour, Cedarville.
John M. Paull, Conneaut.
Archie L. Wardeska, Irondale.
Frank J. Lange, Kelleys Island.
William N. Long, Kingsville.
Leo M. Keller, Nevada.
Fred L. Decker, Ostrander.
Clare S. Myers, Roseville.
Howard Barns, Sabina.
Stanley Lynn, Thornville.
Frank M. Fox, Waynesville.
Vance K. McVicker, West Salem.

HOUSE OF REPRESENTATIVES

WEDNESDAY, JULY 17, 1935

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Blessed Lord God, in the noontide light of Thy perfection we humble ourselves and pray Thee to make us wise to know the right and give us courage to perform it. We beseech Thee to illuminate, inspire, and fortify us against the blighting power of evil; this strength is found in the consciousness of divine favor, in the enjoyment of the divine presence, and in living a truly godly life. Bring our whole land to the realization that Thou art the basis for morals, the guaranty of public order, and the blessed inspiration of civilization and progress. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Horne, its enrolling clerk, announced that the Senate agrees to the amendments of the House to bills of the Senate of the following titles:

S. 884. An act for the relief of Lt. Comdr. G. C. Manning; and

S. 2532. An act to amend an act entitled "An act setting aside Rice Lake and contiguous lands in Minnesota for the exclusive use and benefit of the Chippewa Indians of Minnesota", approved June 23, 1926, and for other purposes.

THE JUDICIARY COMMITTEE

Mr. UTTERBACK. Mr. Speaker, I ask unanimous consent that the Judiciary Committee may be permitted to sit during the sessions of the House today and Thursday and Friday and Saturday of this week.

The SPEAKER. Is there objection?

There was no objection.

CALENDAR WEDNESDAY

Mr. TAYLOR of Colorado. Mr. Speaker, I ask unanimous consent that the business in order today on Calendar Wednesday be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

Mr. CHRISTIANSON. I object.

Mr. TAYLOR of Colorado. Mr. Speaker, I move that the business on Calendar Wednesday today be dispensed with.

The question was taken; and two-thirds having voted in favor thereof, the motion was agreed to.

RESIGNATION

The SPEAKER laid before the House the following communication:

WASHINGTON, D. C., *July 17, 1935.*

Hon. JOSEPH W. BYRNS,
Speaker of the House of Representatives,
Washington, D. C.

MY DEAR MR. SPEAKER: I hereby respectfully submit my resignation as a member of the following committees: Committee on Claims, Committee on Patents, Committee on Roads.

Yours very truly,

SCOTT W. LUCAS.

THE MILITARY DISAFFECTION BILL

Mr. MAVERICK. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

There was no objection.

Mr. MAVERICK. Mr. Speaker, the Military Affairs Committee, of which I am a member, has recently reported out or ordered to report out, without a quorum, and without reading the bill, what is known as the "military disaffection bill" and which, in my opinion, is one of the most outrageous invasions of human rights ever attempted on the American people. It gags the press; it gags every liberty given in the Constitution of the United States. It violates every precedent of American liberty and adopts the philosophy of communism and fascism—that is, that the civilian population shall be subject to the military instead of our civil government controlling the military. It is a dangerous bill and I shall have plenty to say about it later.

It should be known as the "Stalin-Hitler bill." It is the first time any such attempt has been made in peace time; I consider it one of the most dangerous bills ever reported out of a committee.

Strangely enough, the newspapers did not at first pay any attention to it, although it primarily violates the right of freedom of the press.

The first newspaper to give it any attention was the Newark Evening News, in a special article by Mr. Walter Karig, their able representative in Washington, of that newspaper. This newspaper deserves great credit for giving this news, and I am not complimenting the newspaper, or Mr. Karig, because they happened to put the story on the front page.

As a result of this article, it has now become pretty well known over the Nation, and the rest of the newspapers are taking it up. Also, due to the fact that the bill was pushed through the Senate almost entirely by accident and by unanimous consent, this article has brought the matter to the attention of many Senators, and many Senators are outraged over it.

The article in the Newark Evening News, which was printed on Monday, July 15, 1935, is as follows:

CENSORSHIP BILL NEAR ADOPTION—WOULD GIVE MILITARY PEACE-TIME POWER OVER PRESS—SILENTLY PUSHED

By Walter Karig

WASHINGTON.—Insidious assaults on the constitutionality guaranteed freedom of the press have been suspected from time to time in the last 2 years, but the first bill seriously to threaten Federal interference with the publication of newspapers, magazines, and books has just been favorably reported in the House after slipping through the Senate without a record vote.

Camouflaged as a patriotic measure to prevent distribution of radical propaganda in the Army and Navy, the bill gives the Military and Naval Establishments broad powers to censor and punish the press. It is a delegation of authority over civilians unprecedented in peace time, and if the bill becomes law—it stands excellent chance of passage—soldiers or sailors may invade any home or office to confiscate written or printed matter held suspect, with warrants issued under the old war-time Espionage Act.

PLENTY OF LAWS NOW

The bill originated in the Senate as S. 2253 and is without sponsorship there, although Senator TYDINGS (Democrat of Maryland) of the Naval Affairs Committee, which favorably reported it, declared that the War and Navy Departments wanted it. It is not an administration measure in the sense of having White House endorsement, however.

The bill was labeled no. 5845 in the House, where it was sponsored by Representative MCCORMACK (Democrat, Massachusetts), Chairman of the Special Committee on Un-American Activities. The House Military Affairs Committee toned the Senate measure down somewhat.

Representative MCLEAN (Republican, New Jersey), a member of the Military Affairs Committee, thinks the proposed law at least unnecessary. He said he voted to report it because he thought the House amendments removed most of the vicious qualities from the Senate bill, but that his belief is there are "plenty of laws" now to take adequate care of the situation the bill ostensibly attacks. MCLEAN said the bill was scarcely complimentary to the soldiers and sailors of the Nation. "If everybody was as patriotic as these men are", he said, "we could do without a lot of laws."

LIKE RUSSIA

Representative MAVERICK (Democrat, Texas) did not vote to report the bill, but in an unofficial minority report termed it "hysterical", "unconstitutional", and akin to the press-destroying laws of Soviet Russia and Fascist Germany.

"As the bill stands", MAVERICK later declared to this bureau, "it means 2 years in jail and a heavy fine for any newspaper editor who publishes and any newspaper reporter who writes stories critical of the Army and Navy or military equipment. A newspaper which gets information leading it to suspect that certain military airplanes are untrustworthy, or that a new ship was jerry-built, and publishes that information lays itself open to suppression, confiscation, and imprisonment of its editor and writers. The latitude of interpretation of the law is so great there is practically no limit."

The Senate bill made it a crime subject to imprisonment, fine, and confiscation for any individual or corporation to "advise, counsel, urge, or solicit" members of "military and naval forces" to disobey the laws and regulations of the military forces. Amendments in the House committee specify the Army and the Navy, eliminating the National Guard and the Marine Corps, and wrote in the phrase that the offending writer must have had "intent to incite disaffection." Under the Senate bill newspapers or the publishers and authors of books or pamphlets could be punished for criticizing the use or behavior of National Guardsmen on strike duty, for instance.

CRITICISMS OF CAMPS OUT

However, the "intent to incite disaffection" clause injected by the House committee takes away with one hand what concessions were made by the other to limit the application of the law.

It is held by critics of the bill, including legal authorities, that a writer or publisher could be held to have had "intent to incite disaffection" through criticism of naval intervention by the United States in Cuba or Haiti or Nicaragua. Editorials or newspaper accounts criticizing the management or conditions at civilian military training camps, at Army or Navy maneuvers, or in forts and naval bases would fall under the ban.

Accounts and opinions taking exception to the loss of life through ship collisions and airplane failures such as marked the recent Pacific Fleet games could, under the terms of the bill, subject the publishers to confiscation of their newspapers or magazines. Even if found not guilty after trial, the damage would have been done.

DOUBTING WAR'S VIRTUES

These, however, are specific examples of the intended law's possible effects. There is no inhibition in the bill to prevent the military authorities from taking action against any newspaper or magazine article or book which in their opinion would, if read by a soldier or sailor, make him doubt the virtues of war. Any book or article preaching nonaggression, or treating warfare too realistically, might offend some admiral or general, whereupon the

whole edition could be confiscated and impounded until court action determined the application of the law.

The bill goes beyond constructions upon the freedom of the press. It is not required that the military offensive matter be printed or even circulated. Manuscripts may be seized under the enabling Espionage Act. A man might tell a friend he was writing a book or article which, upon report, sounded offensive to the authorities and find his house raided as a result. Even letters are brought under ban, and a mother writing to a run-away son in the Army or Navy, innocently deploring his environment, his companions, or his imminent transfer to China, would be subject to 2 years in jail and $1,000 fine.

Senator SCHALL, Republican, of Minnesota, who has consumed hours in tirades against the Roosevelt administration for more or less imaginary assaults on the freedom of the press, was mutely present in the Senate when the bill was read and adopted. So was Senator VANDENBERG, Republican, of Michigan, a newspaper publisher and leading contender for the Republican Presidential nomination, but he was paying attention to other matters at the time of the Senate's action. It was a session devoted to the Consent Calendar, when personal bills, almost always of minor importance, are called up and mechanically adopted.

Despite the quietness attending the bill so far, a silence broken only by MAVERICK's criticism accompanying the report, the proposed law is one of the most sweeping and potentially disruptive of American tradition yet seen in Congress, the several revolutionary new-deal bills not excepted.

THE TENNESSEE VALLEY AUTHORITY BILL

Mr. McSWAIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill H. R. 8632, the Tennessee Valley Authority bill, disagree to the Senate amendments and agree to the conference asked for.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

Mr. MAVERICK. Reserving the right to object, will the gentleman from South Carolina inform this House how many conferees there will be?

Mr. McSWAIN. I do not mind stating to the gentleman that I have recommended to the Speaker to appoint five.

Mr. MAVERICK. The Senate has appointed three conferees, and the gentleman who is chairman of my committee recommends five. The other day the Republicans objected to the gentleman from Texas [Mr. RAYBURN] having six conferees when the Senate had five, and Mr. RAYBURN agreed to this for a Republican member of his committee. Why should we in this case have a different number from the Senate? There must be some peculiar reason. I do not know what the general custom is but I do not see why we should not have the same number as the Senate; this seems reasonable and equitable. I do not see why we should not do the same for the Democrats as we did for the Republicans, I do not believe the T. V. A. should be discriminated against. The House has spoken. Let us not hold this program up any longer.

Mr. McSWAIN. I think the gentleman from Texas has the information that he seems to be asking for. He has that in his own breast. There is no need for bringing it out here.

Mr. MAVERICK. I do not know about my breast, but I have something very clearly in my head. Since the gentleman knows what is in my breast, I am sure he knows what is in my head about this long-drawn-out T. V. A. affair. I think it ought to be brought out, if we are going to have unfriendly Members on the conference. The T. V. A. has suffered enough obstruction.

Mr. BLANTON. Will the gentleman yield?

Mr. MAVERICK. Yes.

Mr. BLANTON. There are instances where the Senate has had five and even seven conferees, and in one instance the Senate had nine.

Mr. MAVERICK. Undoubtedly the gentleman is technically correct. But there may be reasons for this. We ought to have a clear understanding.

Mr. McSWAIN. We all know that conferees for each House only have 1 vote. It makes no difference how many there are on the conference committee. They are all bound to support the House bill.

The SPEAKER. Is there objection?

Mr. MAVERICK. Mr. Speaker, reserving the right to object, an agreement was made by certain Members of the Military Affairs Committee to have five conferees, with unfriendly people on this committee. As one of the friends of the T. V. A., I was not invited, and as far as I know Mr. THOMASON, of Texas, and Mr. WILCOX, of Florida, and Mr. HILL of Alabama, also friends of the T. V. A., were not there. I think it is wrong. I think this is a bad precedent to put unfriendly men on the conference committee; it may hold things up, and it does not appear to me as fair—I will not be a party to any agreement unfriendly to the purposes of the great T. V. A. program.

The SPEAKER. Is there objection?

Mr. SNELL. Mr. Speaker, I reserve the right to object. Is this conference agreeable to the gentleman from Pennsylvania [Mr. RANSLEY] and the gentleman from New Jersey [Mr. McLEAN]?

Mr. McSWAIN. I have spoken to Mr. RANSLEY twice, and the conferees I propose to nominate are entirely satisfactory to him.

Mr. EKWALL. Mr. Speaker, will the gentleman yield?

Mr. McSWAIN. Yes.

Mr. EKWALL. Does the gentleman know what the gentleman from Texas [Mr. MAVERICK] means by the term "unfriendly"? Does he mean unfriendly to his particular ideas?

Mr. MAVERICK. I mean unfriendly to what the House decided on. I am talking about the bill as passed in the House. It happens that I am with the majority, with the President, and with the Democratic Party, and for the great T. V. A. program.

The SPEAKER. Is there objection?

Mr. McFARLANE. Mr. Speaker, I reserve the right to object, to ask this question: I would like to see the personnel of the conference committee appointed according to the way the majority of the House voted, and the personnel should be so appointed so that a majority of the committee will favor the majority position of the House. Take the first three members on the conference committee, based on their vote on this question, and on the different administration amendments in the different issues voted on in the House. How would their known position on this legislation stand up with the opinion of the majority of the House on the legislation?

Mr. McSWAIN. The three members on the majority side whom I have nominated to the Speaker voted for the bill and voted against the motion to recommit. As I have stated time and time again, I am for whatever the House does; and I state again that I am for the House bill.

The SPEAKER. After all, the Chair appoints the conferees. The Chair is always willing to accept the suggestions made by the chairman of the committee which has charge of the bill, assuming that the members who are appointed will stand for the House measure because they represent the House in the conference.

Mr. MAVERICK. One of the members of the conferees has been one of the three bitterest opponents on the committee of the bill the President wants, and that is the gentleman from Louisiana [Mr. MONTET]. As I understand it, he is one of those to be appointed. Yes; Mr. MONTET finally voted for the bill, but he has consistently fought the bill from the very beginning.

The SPEAKER. The Chair would certainly not assume that the gentleman from Louisiana would accept a position as a conferee and not stand for what the House wants, because that is what the House conferees are expected to do, consistent with any proper compromises that are necessary in order to put the measure through. On the contrary, the Chair has complete confidence in the gentleman in every sense of the word. That is a matter which should appeal to the conferees when they go into session, and, after all, when the matter is reported to the House, the House has its opportunity to express its approval or disapproval of the conference report.

Mr. MAVERICK. I have respect for the traditions by which the Speaker is bound, and I hope he is correct in believing that the T. V. A. bill will get sympathetic treatment according to the will of the House. I hope the House conferees will show their good faith and report promptly. I am frank to say that I do not like the situation.

Mr. McFARLANE. Mr. Speaker, still further reserving the right to object, a policy has been announced in the other body of appointing all conferees based upon the record of their votes in determining the number that shall be appointed from the majority and the minority, as to legislation. That policy was announced early this session. I hope the Chair will bear that in mind when the conferees are appointed, based on the differences between the amendments to the bill as it came to the House and the amendments as we rewrote the bill on the floor of the House.

Mr. BLANTON. Mr. Speaker, I make the point of order that this is a prerogative of the Chair and we have nothing to do with it.

Mr. MAVERICK. I withdraw my objection, but I want the RECORD to show my protest. I will wait and see. I am willing to withdraw this objection on the theory that I will never do anything to obstruct the T. V. A.—and I hope the conferees will take the same attitude. This bill should have been finally settled and adopted long, long ago.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The Chair appointed the following conferees: Mr. McSWAIN, Mr. HILL of Alabama, Mr. MONTET, Mr. McLEAN, and Mr. PLUMLEY.

SOCIAL SECURITY BILL

Mr. DOUGHTON. Mr. Speaker, I call up the conference report upon the bill (H. R. 7260) to provide for the general welfare by establishing a system of Federal old-age benefits, and by enabling the several States to make more adequate provision for aged persons, dependent and crippled children, maternal and child welfare, public health, and the administration of their unemployment compensation laws; to establish a social security board; to raise revenue; and for other purposes, and ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from North Carolina calls up the conference report upon the bill 7260, and asks unanimous consent that the statement be read in lieu of the report. Is there objection?

Mr. NICHOLS. Mr. Speaker, I reserve the right to object. Is this the conference report that has to do with the social security bill?

The SPEAKER. The Chair so understands it.

Mr. NICHOLS. Then I desire to propound a parliamentary inquiry. Will the reading of the statement, rather than the reading of the report, preclude Members from having an opportunity to vote for the approval or disapproval and to be heard upon the report of the conferees?

The SPEAKER. Not at all. As to the reading of the statement, it is up to the House to adopt the report, the time for debate being in control of the gentleman from North Carolina.

Mr. NICHOLS. I am just a little green on the parliamentary procedure, and I wanted to know that this would not foreclose the House on any rights in considering the conference report.

The SPEAKER. Not at all. Is there objection?

There was no objection, and the Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7260) to provide for the general welfare by establishing a system of Federal old-age benefits, and by enabling the several States to make more adequate provision for aged persons, dependent and crippled children, maternal and child welfare, public health, and the administration of their unemployment-compensation laws; to establish a Social Security Board; to raise revenue; and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 3, 6, 7, 8, 10, 11, 12, 13, 14, 15, 18, 22, 23, 24, 25, 26, 27, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 40, 41, 42, 43, 44, 61, 65, 70, 75, 76, 77, 78, 79, 80, 81, 86, 90, 92, 105, and 108.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 5, 9, 16, 20, 21, 28, 39, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 60, 62, 63, 64, 66, 69, 71, 72, 82, 88, 89, 93, 94, 95, 96, 97, 98, 102, 103, and 109, and agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: ": *Provided*, That the State plan, in order to be approved by the Board, need not provide for financial participation before July 1, 1937, by the State, in the case of any State which the Board, upon application by the State and after reasonable notice and opportunity for hearing to the State, finds is prevented by its constitution from providing such financial participation"; and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "or such other agencies as the Board may approve"; and the Senate agree to the same.

Amendment numbered 59: That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment as follows: On page 8 of the Senate engrossed amendments strike out line 12 and insert in lieu thereof the following: "welfare services (hereinafter in this section referred to as 'child-welfare services') for the protection and care of homeless, dependent, and neglected children, and children in danger of becoming delinquent" and a comma; and the Senate agree to the same.

Amendment numbered 73: That the House recede from its disagreement to the amendment of the Senate numbered 73, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "If the tax is not paid when due, there shall be added as part of the tax interest (except in the case of adjustments made in accordance with the provisions of sections 802 (b) and 805) at the rate of one-half of 1 per centum per month from the date the tax became due until paid." and the Senate agree to the same.

Amendment numbered 74: That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "together with a statement of the additional expenditures in the District of Columbia and elsewhere incurred by the Post Office Department in performing the duties imposed upon said Department by this act, and the Secretary of the Treasury is hereby authorized and directed to advance from time to time to the credit of the Post Office Department from appropriations made for the collection of the taxes imposed by this title, such sums as may be required for such additional expenditures incurred by the Post Office Department"; and the Senate agree to the same.

Amendment numbered 85: That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following "EIGHT"; and the Senate agree to the same.

Amendment numbered 87: That the House recede from its disagreement to the amendment of the Senate numbered 87, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "or such other agencies as the Board may approve"; and the Senate agree to the same.

Amendment numbered 91: That the House recede from its disagreement to the amendment of the Senate numbered 91, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "eight"; and the Senate agree to the same.

Amendment numbered 99: That the House recede from its disagreement to the amendment of the Senate numbered 99, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"APPROPRIATION

"SECTION 1001. For the purpose of enabling each State to furnish financial assistance, as far as practicable under the conditions in such State, to needy individuals who are blind, there is hereby authorized to be appropriated for the fiscal year ending June 30, 1936, the sum of $3,000,000, and there is hereby authorized to be appropriated for each fiscal year thereafter a sum sufficient to carry out the purposes of this title. The sums made available under this section shall be used for making payments to States which have submitted, and had approved by the Social Security Board, State plans for aid to the blind."

And the Senate agree to the same.

Amendment numbered 100: That the House recede from its disagreement to the amendment of the Senate numbered 100, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"STATE PLANS FOR AID TO THE BLIND

"SEC. 1002. (a) A State plan for aid to the blind must (1) provide that it shall be in effect in all political subdivisions of the State, and, if administered by them, be mandatory upon them; (2) provide for financial participation by the State; (3) either provide for the establishment or designation of a single State agency to administer the plan, or provide for the establishment or designation of a single State agency to supervise the administration of the plan; (4) provide for granting to any individual, whose claim

for aid is denied, an opportunity for a fair hearing before such State agency; (5) provide such methods of administration (other than those relating to selection, tenure of office, and compensation of personnel) as are found by the Board to be necessary for the efficient operation of the plan; (6) provide that the State agency will make such reports, in such form and containing such information, as the Board may from time to time require, and comply with such provisions as the Board may from time to time find necessary to assure the correctness and verification of such reports; and (7) provide that no aid will be furnished any individual under the plan with respect to any period with respect to which he is receiving old-age assistance under the State plan approved under section 2 of this Act.

"(b) The Board shall approve any plan which fulfills the conditions specified in subsection (a), except that it shall not approve any plan which imposes, as a condition of eligibility for aid to the blind under the plan—

"(1) Any residence requirement which excludes any resident of the State who has resided therein five years during the nine years immediately preceding the application for aid and has resided therein continuously for one year immediately preceding the application; or

"(2) Any citizenship requirement which excludes any citizen of the United States."

And the Senate agree to the same.

Amendment numbered 101: That the House recede from its disagreement to the amendment of the Senate numbered 101, and agree to the same with the following amendments: On page 24 of the Senate engrossed amendments, line 19, strike out "permanently", and on page 25 of the Senate engrossed amendments, line 16, strike out "permanently"; and the Senate agree to the same.

Amendment numbered 104: That the House recede from its disagreement to the amendment of the Senate numbered 104, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"DEFINITION

"SEC. 1006. When used in this title the term "aid to the blind" means money payments to blind individuals."

And the Senate agree to the same.

Amendment numbered 106: That the House recede from its disagreement to the amendment of the Senate numbered 106, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "XI"; and the Senate agree to the same.

Amendment numbered 107: That the House recede from its disagreement to the amendment of the Senate numbered 107, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "1101"; and the Senate agree to the same.

Amendment numbered 110: That the House recede from its disagreement to the amendment of the Senate numbered 110, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "1102"; and the Senate agree to the same.

Amendment numbered 111: That the House recede from its disagreement to the amendment of the Senate numbered 111, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following "1103"; and the Senate agree to the same.

Amendment numbered 112: That the House recede from its disagreement to the amendment of the Senate numbered 112, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following "1104"; and the Senate agree to the same.

Amendment numbered 113: That the House recede from its disagreement to the amendment of the Senate numbered 113, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following "1105"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the bill and agree to the same.

The committee of conference have not agreed on the following amendments: Amendments numbered 17, 67, 68, 83, and 84.

R. L. DOUGHTON,
SAM. B. HILL,
THOS. H. CULLEN,
ALLEN T. TREADWAY,
ISAAC BACHARACH,
Managers on the part of the House.

PAT HARRISON,
WILLIAM H. KING,
WALTER F. GEORGE,
HENRY W. KEYES,
ROBERT M. LA FOLLETTE, Jr.,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7260) to provide for the general welfare by establishing a system of Federal old-age benefits, and by enabling the several States to make more adequate provision for aged persons, dependent and crippled children, maternal and child welfare, public health, and the administration of their unemployment compensation laws; to establish a Social Security Board; to raise revenue; and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

On amendment no. 1: The House bill, with reference to the appropriation authorized for grants to States for old-age assistance, stated that the appropriation was for the purpose of enabling each State to furnish financial assistance assuring, as far as practicable under the conditions in such State, a reasonable subsistence compatible with decency and health to aged individuals without such subsistence. The Senate amendment states that the appropriation is for the purpose of enabling each State to furnish financial assistance, as far as practicable under the conditions in such State, to aged needy individuals. The House recedes.

On amendments nos. 2 and 3: The House bill required the State plan for old-age assistance to provide that if the State or any of its political subdivisions collects from the estate of any recipient any amount with respect to old-age assistance under the plan, one-half of the net amount so collected shall be promptly paid to the United States. The Senate amendments provide for the repayment to the United States in such cases, instead of one-half of the net amount so collected, a portion of the net amount collected proportionate to the part of the old-age assistance representing payments made by the United States. The Senate recedes.

On amendment no. 4: This amendment provides that in order to assist the aged of States, who have no State system of old-age pensions, until an opportunity is afforded the States to provide for a State plan, the Secretary of the Treasury shall pay to each State for each quarter until not later than July 1, 1937, in lieu of the amounts payable under the House bill which were to be matched by the States, an amount sufficient to afford old-age assistance to each needy individual within the State who at the time of such expenditure is 65 years of age or older, and who is declared by such agency as may be designated by the Social Security Board to be entitled to receive the same, old-age assistance not in excess of $15 a month.

The House recedes with an amendment, in lieu of the Senate amendment, which provides that the State plan for old-age assistance, in order to be approved by the Board, need not provide for financial participation before July 1, 1937, by the State, in the case of any State which the Board, upon application by the State and after reasonable notice and opportunity for hearing to the State, finds is prevented by its constitution from providing such financial participation.

On amendment no. 5: The House bill provided that the Board, before stopping payments to a State for old-age assistance on the ground that the State plan is not being complied with, should give notice and opportunity for hearing to the State agency. The Senate amendment provides that the notice and opportunity for hearing must be "reasonable." The House recedes.

On amendments nos. 6, 7, and 8: The House bill, with reference to the "Old-age reserve account" for the payment of Federal old-age benefits under title II, provided that the amount of authorized appropriations should be based upon such tables of mortality as the Secretary of the Treasury should adopt; that the Secretary of the Treasury should submit annually to the Bureau of the Budget an estimate of the appropriations to be made to the account; and that he should include in his annual report the actuarial status of the account. The Senate amendments transfer these duties to the Social Security Board. The Senate recedes.

On amendment no. 9: This amendment provides that for every month during which the Board finds that an aged person, otherwise qualified for Federal old-age benefits under title II, is regularly employed, after he attains the age of 65, a month's benefit will be withheld from such person, under regulations prescribed by the Board, by deductions from one or more payments of old-age benefits to such person. The House recedes.

On amendments nos. 10 and 11: The House bill excepted from the term "employment", as used in title II relating to the payment of Federal old-age benefits, service performed as an officer or member of the crew of a vessel documented under the laws of the United States or of any foreign country. The Senate amendments strike out this exception and expressly include within the definition of "employment" service performed as an officer or member of the crew of a vessel documented under the laws of the United States. The Senate recedes.

On amendments nos. 12, 13, and 14: These amendments make changes in paragraph numbers. The Senate recedes.

On amendment no. 15: The House bill in defining the term "employment", as used in title II relating to the payment of Federal old-age benefits, excepted service performed in the employ of a corporation, community chest, fund, or foundation, organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, no part of the net earnings of which inures to the benefit of any private shareholder or individual. The Senate amendment adds to the list of purposes "or hospital" as a clarifying amendment. The Senate recedes, the conferees omitting this language as surplusage, based on the fact that the Internal Revenue Bureau has uniformly construed language in the income-tax laws, identical with that found in the House bill, as exempting hospitals not operated for profit, and also on the fear that the insertion of the words added by the Senate amendment might interfere with the continuation of the long-continued construction of the income-tax law.

On amendment no. 16: This amendment excepts from the definition of "employment", as used in title II, relating to the payment of Federal old-age benefits, service performed in the employ of a corporation, community chest, fund, or foundation organized and operated exclusively for the prevention of cruelty to children or animals. The House recedes.

On amendments nos. 18 and 19: The House bill provided that the Social Security Board should not certify for payment to any State under title III amounts for the administration of the State unemployment-insurance law unless such law provides for payment of unemployment compensation solely through public employment offices in the State. The Senate amendments require that the State law must provide for payment of unemployment compensation through public employment offices in the State to the extent that such offices exist and are designated by the State for the purpose. The Senate recedes on amendment no. 18, and the House recedes on amendment no. 19 with an amendment changing the language of the amendment. The effect of the action of the conferees is to provide that the State law cannot be approved by the Board unless it provides for the payment of unemployment compensation solely through public employment offices in the State or such other agencies as the Board may approve.

On amendment no. 20: The House bill provided that the Board, before stopping payments to a State for grants for unemployment-compensation administration on the ground that the State plan is not being complied with, should give notice and opportunity for hearing to the State agency. The Senate amendment provides that the notice and opportunity for hearing must be "reasonable." The House recedes.

On amendment no. 21: The House bill, with reference to the appropriation authorized for grants to States for aid to dependent children, stated that the appropriation was for the purpose of enabling each State to furnish financial assistance assuring, as far as practicable under the conditions in such State, a reasonable subsistence compatible with decency and health to dependent children without such subsistence. The Senate amendment states that the appropriation is for the purpose of enabling each State to furnish financial assistance, as far as practicable under the conditions in such State, to needy dependent children. The House recedes.

On amendments nos. 22 to 27, 29 to 38, and 40 to 44: The House bill placed the administration of title IV, relating to grants to States for aid to dependent children in the Social Security Board. The Senate amendments transfer these functions in part to the Secretary of Labor and in part to the Chief of the Children's Bureau, and make clerical changes to carry out this policy. The Senate recedes.

On amendment no. 28: The House bill in title IV, relating to grants to States for aid to dependent children, provided that no State plan should be approved which imposes as a condition for eligibility for aid to dependent children a residence requirement which denies aid to any child residing in the State who was born in the State within 1 year immediately preceding the application. The Senate amendment permits the State plan to deny aid to such a child if its mother has not resided in the State for 1 year immediately preceding the birth. The House recedes.

On amendment no. 39: The House bill provided that the Board, before stopping payments to a State for aid to dependent children on the ground that the State plan is not being complied with, should give notice and opportunity for hearing to the State agency. The Senate amendment provides that the notice and opportunity for hearing must be "reasonable." The House recedes.

On amendment no. 45: This amendment adds to the definition of a "dependent child" for the purposes of title IV, giving aid to dependent children, a requirement that the child must have been deprived of parental support or care by reason of the death, continued absence from the home, or physical or mental incapacity of a parent. The House recedes.

On amendment no. 46: The House bill in defining the term "dependent child" for the purposes of title IV, relating to grants to States for aid to dependent children, contained a requirement that the child must be living in a "residence" maintained by one or more of certain relatives as his or their own home. The Senate amendment clarifies the meaning of the word "residence" by making it certain that it is not confined to a separately maintained house but refers to any place of abode, whether a separate house, an apartment, a room, a houseboat, or other place of abode. The House recedes.

On amendments nos. 47 and 48: Under the House bill the allotments to each State from appropriations made for maternal and child-health services were made on the basis of the live births in such State as compared with the total number of live births in the United States. The Senate amendments provide that the proration shall be made on the basis of figures for the latest calendar year for which the Bureau of the Census has available statistics. The House recedes.

On amendment no. 49: This is a clarifying amendment. The House recedes.

On amendment no. 50: The House bill provided that the methods of administration required in the State plan for maternal and child-health services should be such as are "found by the Chief of the Children's Bureau to be" necessary for the efficient operation of the plan. The Senate amendment strikes out the matter above quoted so that the final judgment as to what methods are necessary in the State rests with the courts rather than with the Chief of the Children's Bureau. The House recedes.

On amendment no. 51: This is a clarifying amendment. The House recedes.

On amendment no. 52: This amendment requires the report filed by the State with respect to estimated expenditures for maternal and child-health services to include amounts appropriated or made available by political subdivisions of the State. The House bill required only amounts appropriated or made available by the State. The House recedes.

On amendment no. 53: The House bill provided that the Secretary of Labor, before stopping payments to a State for maternal and child health services on the ground that the State plan is not being complied with, should give notice and opportunity for hearing to the State agency. The Senate amendment provides that the notice and opportunity for hearing must be "reasonable." The House recedes.

On amendment no. 54: This is a clarifying amendment. The House recedes.

On amendment no. 55: The House bill provided that the methods of administration required in the State plan for services to crippled children should be such as are "found by the Chief of the Children's Bureau to be" necessary for the efficient operation of the plan. The Senate amendment strikes out the matter above quoted so that the final judgment as to what methods are necessary in the State rests with the courts rather than with the Chief of the Children's Bureau. The House recedes.

On amendment no. 56: This is a clarifying amendment. The House recedes.

On amendment no. 57: This amendment requires the report filed by the State with respect to estimated expenditures for services to crippled children to include amounts appropriated or made available by political subdivisions of the State. The House bill required only amounts appropriated or made available by the State. The House recedes.

On amendment no. 58: The House bill provided that the Secretary of Labor, before stopping payments to a State for services to crippled children on the ground that the State plan is not being complied with, should give notice and opportunity for hearing to the State agency. The Senate amendment provides that the notice and opportunity for hearing must be "reasonable." The House recedes.

On amendments nos. 59 and 60: The House bill authorized an appropriation of $1,500,000 and provided that the money so appropriated should be allotted among the States for payment of part of the cost of county and local child welfare services in rural areas. The purpose of the section was stated to be the cooperation with State public welfare agencies in establishing, extending, and strengthening, in rural areas, public welfare services for four types of children—homeless, neglected, dependent, and those in danger of becoming delinquent. Senate amendment no. 59, besides clarifying the language of the House bill, provided that in making allotments there should be taken into consideration plans developed both by the State welfare agency and the Children's Bureau. The areas in which child welfare services were to be encouraged were extended from "rural areas" to those "predominantly rural", and "other areas in special need" were included in the work of developing the work of State services for encouraging adequate support of child welfare organizations. The classes of children to be aided, however, were limited to those who were homeless or neglected. Amendment no. 60 prescribes the method of making payments. The House recedes on amendment no. 60, and recedes on amendment no. 59 with an amendment, to the effect that the classes of children to be cared for will include children who are homeless, dependent, neglected, or in danger of becoming delinquent.

On amendment no. 61: The House bill authorized additional appropriations for the administration of the Vocational Rehabilitation Act of June 2, 1920, as amended, by the "Federal agency authorized to administer it." The Senate amendment provides that the authorized appropriation should be for the administration of such act by the Office of Education in the Department of the Interior. The Senate recedes.

On amendments nos. 62, 63, and 64: These are clarifying amendments. The House recedes.

On amendment no. 65: The House bill established a Social Security Board for the administration of certain portions of the act. This amendment provides that the Board shall be established in the Department of Labor. The Senate recedes.

On amendment no. 66: This amendment provides that no member of the Social Security Board during his term shall engage in any other business, vocation, or employment, and also that not more than two of the members of the Board shall be members of the same political party. The House recedes.

On amendment no. 69: This amendment provides that appointments of attorneys and experts by the Social Security Board may be made without regard to the civil service laws. The House recedes.

On amendment no. 70: This amendment provides that the report of the Social Security Board to Congress, required by the House bill, shall be made through the Secretary of Labor. The Senate recedes.

On amendments nos. 71 and 72: The House bill provides that if more or less than the correct amount of tax under title VIII is paid with respect to any wage payment, then proper adjustments should be made in connection with subsequent wage payments to the same individual by the same employer. The Senate amendments provide that such adjustments shall be made without interest. The House recedes.

On amendment no. 73: This amendment provides that if the tax imposed by title VIII is not paid when due there shall be added as part of the tax interest at the rate of one-half of 1 percent per month from the date the tax became due until paid. Under the House bill the rate was 1 percent a month. The House recedes with an amendment correcting a clerical error.

On amendment no. 74: This amendment provides that the Postmaster General shall each month send a statement to the Treasury of the additional expenditures incurred by the Post Office Department in carrying out its duties under this act, and that the Secretary of the Treasury shall be directed to advance, from time to time, to the credit of the Post Office Department, "from appropriations made for the collection and payment of taxes provided under section 707 of this title", such amounts as may be required for additional expenditures incurred by the Post Office Department in the performance of the duties and functions required of the Postal Service by the act. The House recedes with clarifying amendments.

On amendments nos. 75 and 77: The House bill excepted from the term "employment", as used in title VIII imposing certain excise taxes, service performed as an officer or member of the crew of a vessel documented under the laws of the United States or of any foreign country. The Senate amendments strike out this exception and expressly include within the definition of "employment" service performed as an officer or member of the crew of a vessel documented under the laws of the United States. The Senate recedes.

On amendment no. 76: The House bill excepted from the term "employment", as used in Title VIII relating to certain excise taxes, service performed by an individual who has attained the age of 65. The Senate amendment strikes out this exception. The Senate recedes.

On amendments nos. 78, 79, and 80: These are amendments to paragraph numbers. The Senate recedes.

On amendment no. 81: The House bill in defining the term "employment", as used in title VIII imposing certain excise taxes, excepted service performed in the employ of a corporation, community chest, fund, or foundation, organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, no part of the net earnings of which inures to the benefit of any private shareholder or individual. The Senate amendment adds to the list of purposes "or hospital" as a clarifying amendment. The Senate recedes in conformity with the action on amendment no. 15.

On amendment no. 82: This amendment excepts from the definition of "employment", as used in title VIII relating to certain excise taxes, service performed in the employ of a corporation, community chest, fund, or foundation, organized and operated exclusively for the prevention of cruelty to children or animals. The House recedes.

On amendment no. 85: This is a change in a title heading. The House recedes with an amendment to conform to the action on amendment no. 91.

On amendments nos. 86 and 87: The House bill provided as one of the conditions for the approval of a State law for unemployment compensation that the law must provide that all compensation is to be paid through public employment offices in the State. The Senate amendment changes this requirement so that compensation must be paid through public employment offices in the State to the extent that such offices exist and are designated by the State for the purpose. The Senate recedes on amendment no. 86 and the House recedes on amendment no. 87 with an amendment changing the language of the amendment. The effect of the action of the conferees is to provide that the Board shall not approve any State law unless the law provides that all compensation is to be paid through public employment offices in the State or such other agencies as the Board may approve.

On amendment no. 88: The House bill provided that the Social Security Board shall certify each State whose unemployment compensation law is approved, except that it shall not certify any State which, after notice and opportunity for hearing to the State agency, the Board finds has changed its law so that it no longer contains the provisions specified in the bill or has failed substantially to comply with such provisions. The Senate amendment provides that the notice and opportunity for hearing must be "reasonable." The House recedes.

On amendment no. 89: This amendment provides that if the excise tax imposed by title IX is not paid when due, there shall be added as part of the tax interest at the rate of one-half of 1 percent per month from the date the tax became due until paid. Under the House bill the rate of interest was 1 percent a month. The House recedes.

On amendments nos. 90 and 91: The House bill provided that the term "employment", as used in title IX, should not include any person unless on each of some 20 days during the taxable year, each day being in a different calendar week, the total number of individuals who were in his employ for some portion of the day (whether or not at the same moment of time) was 10 or more. The Senate amendments reduce the number of days from 20 to 13 and the number of individuals from 10 to 4. The Senate recedes on amendment no. 90 and the House recedes on amendment no. 91 with an amendment fixing the number of individuals at eight.

On amendment no. 92: The House bill, in defining the term "employment", as used in title IX relating to certain excise taxes, excepted service performed in the employ of a corporation, community chest, fund, or foundation organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, no part of the net earnings of which inures to the benefit of any private shareholder or individual. The Senate amendment adds to the list of purposes "or hospital" as a clarifying amendment. The Senate recedes in conformity with the action on amendment no. 15.

On amendment no. 93: This amendment excepts from the definition of "employment", as used in title IX imposing certain excise taxes, service performed in the employ of a corporation, community chest, fund, or foundation organized and operated exclusively for the prevention of cruelty to children or animals. The House recedes.

On amendment no. 94: Under the House bill in title IX, providing for a tax on employers with a credit against the tax of contributions paid into an employment fund under a State law, the term "unemployment fund" was defined as a fund "all the assets of which are mingled and undivided and in which no separate account is maintained with respect to any person"; in other words, requiring a "pooled" fund. The Senate amendment strikes out this requirement, leaving it to the State to define the character of its special fund. The House recedes.

On amendment no. 95: This is a clerical amendment. The House recedes.

On amendments nos. 96 and 97: Amendment no. 96 provides that a taxpayer under section 901 (unemployment excise tax) may, for 1938 or any taxable year thereafter, obtain an additional credit against his tax under certain conditions. A taxpayer carrying on business in a State will credit against the tax the amount of his contributions under the law of that State; and, under this new section, he will also credit the amount by which his contributions are less than they would have been if he had been contributing at the maximum rate in the State. The additional credit, however, is limited by not allowing it to exceed the difference between the actual amount paid and the amount he would have paid at a 2.7 percent rate; and the amendment also provides for limiting the additional credit to the proper difference allowed by the State law, diminishing it if the employer has failed to make any of the contributions required of him. In figuring what contributions the employer would have paid at the maximum rate, the highest rate applicable to any employer each time when contributions are payable is the rate considered. The amendment also provides that even if an employer is getting credit under section 902, and additional credit under this section, he shall never credit against tax more than 90 percent of the tax. Amendment no. 97 places restrictions on the allowance of the additional credit.

(1) A taxpayer who has been contributing to a pooled fund, and is allowed a lower rate than that imposed on other employers in the State, will get the additional credit only if he has had 3 years' compensation experience under the State law, and only if the lower rate is fixed as a result of his comparatively favorable experience.

(2) The taxpayer may have guaranteed the employment of his employees, and be contributing to a guaranteed employment account maintained by the State agency. In this case, if he claimed the additional credit under section 909, he would get it only if his guaranty had been fulfilled, and only if his guaranteed employment account amounted to at least 7½ percent of his guaranteed pay roll.

(3) The taxpayer may be contributing to a separate reserve account, from which benefits are payable only to his employees. If he claims the additional credit under section 909, it would be allowed only if, in the preceding year, those of his employees who became unemployed and were eligible for compensation received compensation from the reserve account. Furthermore, the additional credit would be allowed only if the reserve account amounted to 7½ percent of his pay roll, and was at least five times larger than the amount paid out from it, in compensation, in that year (among the 3 preceding years) when the greatest amount was thus paid out from it.

The amendments also defines terms used in this section:

(1) "Reserve account" is defined as a separate account in a State unemployment fund, from which compensation is payable only to the former employees of the employers contributing to the account. The account may be maintained with respect to one employer or a group of employers.

(2) "Pooled fund" is an unemployment fund (or part of such a fund, if some employers are maintaining separate accounts in the fund) in which all contributions are mingled and undivided. Compensation is payable from it regardless of whether the claimant was formerly in the employ of an employer contributing to the pooled fund; but where some employers in the State have reserve accounts, their former employees get compensation from the pooled fund only if the reserve accounts are exhausted.

(3) "Guaranteed employment account" is, like a reserve account, a separate account in an unemployment fund, but it can be maintained only with respect to certain employers. Compensation is payable from it to those of such employer's employees who, having been guaranteed employment, nevertheless become unemployed due to a failure to fulfill the guaranty, or become unemployed at the end of the year for which the guaranty was made, due to the nonrenewal of the guaranty. To be a "guaranteed employment account", such separate account would have to be maintained with respect to an employer who had guaranteed the wages of all of his employees (or if he maintains more than one distinct business establishment, of all the employees in at least one such establishment) for at least 40 weeks in a 12-month period. The wages guaranteed should be for at least 30 hours a week; but if 41 weeks, for instance, were guaranteed instead of

40, the weekly hours guaranteed could be cut from 30 to 29; and if 42 weeks were guaranteed, only 28 hours wages per week would need to be guaranteed. While ordinarily all the employees would have to be covered, the employer would not have to extend the guaranty to any new employee until the latter had served a probationary period of not more than 12 consecutive weeks.

(4) "Year of compensation experience", used only in relation to an employer, is defined as any calendar year during which, at all times in the year, a former employee of such employer, if there was one who was eligible for compensation, could receive compensation under the State law.

On amendments nos. 98 to 104: These amendments insert a new title to provide for grants to States for aid to the blind, authorizing $3,000,000 for the fiscal year ending June 30, 1936, and thereafter a sum sufficient to carry out the title. Aid to the blind is defined as money payments to permanently blind individuals and money expended for locating blind persons, for providing diagnoses of their eye condition, and for training and employment of the adult blind. The payments are to be made on an equal matching basis, the machinery for the payments being modeled on the provisions of title I relating to old-age assistance. The administration of the title is placed in the Social Security Board. The State plan in order to be approved must, in addition to similar requirements as in the case of title I, provide that no aid will be furnished an individual with respect to any period with respect to which he is receiving old-age assistance under a State plan approved under title I. The State plan must also provide that money payments to a permanently blind individual will be granted in direct proportion to his need and the plan must also contain definitions of "blindness" and "needy individuals" which meet the approval of the Board. There is no age requirement, and the Federal contribution in the case of any individual is not to exceed $15 a month. The House recedes on this new title with amendments striking out the provisions relating to the expenditure of moneys for locating blind persons, for providing diagnoses of their eye condition, and for training and employment of the adult blind; providing for money payments to blind persons in lieu of persons who are "permanently" blind; and omitting the requirements that the State plan must provide that money payments will be granted in direct proportion to the need of the individual and that the plan must contain definitions of "blindness" and "needy individuals."

On amendment no. 105: This amendment provides pensions for heads of families and single persons of Indian blood over 65 years of age, payable from the Federal Treasury. The pension is $30 a month, reduced in the amount of the annual income. The amendment also provides for a pension of $10 a month for persons of Indian blood under 65 years of age but permanently blind, and also a pension of $10 a month for persons of Indian blood crippled or otherwise disabled. Indians and Eskimos of Alaska are to receive pensions in one-half the amounts above provided. The Senate recedes.

On amendments nos. 106, 107, 110, 111, 112, and 113: These amendments make changes in title and section numbers. The House recedes with the necessary amendments.

On amendments nos. 108 and 109: The House bill provided that nothing in the act should be construed as authorizing any Federal official, in carrying out any provision of the act, to take charge of a child over the objection of either parent or of the person standing in loco parentis to the child "in violation of the law of a State." Senate amendment no. 108 added State officials to the officials affected by the amendment and Senate amendment no. 109 struck out the language above quoted, "in violation of the law of a State." The Senate recedes on amendment no. 108 and the House recedes on amendment no. 109.

The House recedes from its disagreement to the amendment of the Senate to the title of the bill.

On amendments nos. 17, 67, 68, 83, and 84 (dealing with the exemption of private pension plans in titles II and VIII) the conferees are unable to agree.

R. L. DOUGHTON,
SAM B. HILL,
THOS. H. CULLEN,
ALLEN T. TREADWAY,
ISAAC BACHARACH,
Managers on the part of the House.

Mr. DOUGHTON. Mr. Speaker, I yield 10 minutes to the gentleman from Washington [Mr. SAMUEL B. HILL].

Mr. SAMUEL B. HILL. Mr. Speaker, the conferees on the social-security bill have agreed on all of the amendments in controversy except the so-called "Clark amendments", plus an amendment to that amendment known as the "Black amendment."

There were 113 Senate amendments. There are five of those amendments constituting a group known as the "Clark amendments" and to which the House conferees disagreed in conference, and we have brought them back to the House without including them in the conference report. Of the remaining 108 Senate amendments, about 50 percent of them were agreed to by the House, and the Senate receded on about the other 50 percent, with some amendments to certain of those Senate amendments.

Most of the amendments are purely clarifying.

You will appreciate the fact that the drafting service which serves the House also serves the Senate. We pass a bill first, and they have a little more time when they go before the Senate committee to improve the language. Many of the amendments are simply to improve the language. In other words, they are clarifying amendments. I am not going to take your time with those.

There are certain outstanding Senate amendments upon which the conferees of the House have agreed and to which I wish to call your attention. The first of these is the so-called "Russell amendment." You will recall that under the old-age assistance plan, as passed by the House, the Federal Government contributes dollar for dollar to State pension funds to the extent of $15 per person per month. In order for a State to get any of this Federal contribution, the State must have a State-wide pension plan and must put that plan into operation, and then the Federal Government matches whatever amount the State puts up, to the extent of $15 per person per month.

The Russell amendment grew out of the fact that certain States have constitutional prohibitions against a State pension plan. So the Senate adopted amendment no. 4, on page 5 of the bill. That amendment, in brief, provides that any State, for a period of 2 years, which does not have a pension plan approved by the social-security board and under which it can secure Federal contribution or Federal assistance, may receive from the Federal Government during that first 2 years, $15 per person for qualified citizens of a State, qualified under the provisions of the act to receive old-age pensions. For instance, the so-called "Russell amendment" provides that the Federal Government shall contribute the entire amount of pensions to needy aged persons in those States that are not under a State pension plan, and that the amount so paid shall be $15 per month to each person in such States who can qualify under the provisions of this act.

Mr. TERRY. Will the gentleman yield?

Mr. SAMUEL B. HILL. In just a moment. States that can qualify within that period get only so much, not exceeding $15 per person, as the States contribute. A State with an approved pension plan may pay to its pensioners or its aged needy a total of $20 per month. The State in that case would pay $10 and the Federal Government would pay $10; but under the Russell amendment, where a State has no plan, the Federal Government would pay the $15 per month per person in such State.

Mr. TERRY. Will the gentleman yield now?

Mr. SAMUEL B. HILL. I yield.

Mr. TERRY. Under the Russell plan is it the gentleman's idea that those States which are financially unable to contribute to an old-age-pension plan would get the benefit of the Federal allowance up until 1937?

Mr. SAMUEL B. HILL. That was the effect of it, but it grew out of the fact——

Mr. TERRY. It grew out of that fact, but does not the gentleman feel that the people in those States which cannot contribute at this time on account of the depression should be allowed until 1937?

Mr. SAMUEL B. HILL. It simply comes down to a question of whether you are going to have a purely Federal pension fund or a Federal-aid pension fund. If you once adopt that policy you will never get out of it. It is a question for the Congress to determine, as we did determine in passing the original bill, that we would have a Federal assistance plan and not a Federal plan.

Mr. HUDDLESTON. Will the gentleman yield?

Mr. SAMUEL B. HILL. I yield.

Mr. HUDDLESTON. Is it the gentleman's interpretation of the provision agreed upon by the conferees that only those States can participate under that clause which have in their constitutions prohibitions again a pension fund?

Mr. SAMUEL B. HILL. Yes. The amendment that we bring back here is to that effect. In other words, it is applicable only to those States.

Mr. HUDDLESTON. It is applicable only to those States which have a flat prohibition in their constitutions against a pension plan?

Mr. SAMUEL B. HILL. The gentleman is correct.

Mr. HUDDLESTON. Now, may I ask the gentleman this question: Suppose States have in their constitutions tax limitations which forbid the raising of sufficient funds to pay pensions, will States in that category be able to participate?

Mr. SAMUEL B. HILL. Not under this amendment, as I understand it. In fact, they ought not to. They ought to come in with every other State. We have a number of States throughout the United States that will have to enact legislation in order to come under the provisions of this act.

This Russell amendment, as amended at the conference and brought back to you, simply places the State which has a constitutional prohibition against State pension plans on the same basis as all other States which can, under their constitutions, participate in such a plan.

Mr. NICHOLS. Mr. Speaker, will the gentleman yield?

Mr. SAMUEL B. HILL. I yield.

Mr. NICHOLS. I should like to ask the gentleman if his interpretation of the amendment finally placed in the bill by the House conferees in place of section 4 does not do simply this: That if a State has a constitutional prohibition against its legislature enacting legislation to bring the State within the purview of this bill, that under this amendment the State may participate provided some subdivision or subdivisions of the State government match the Federal grants without the State doing it itself.

Mr. SAMUEL B. HILL. The gentleman has stated it very correctly and very concisely.

Mr. NICHOLS. That being true, then this language does not mean that if there is a constitutional prohibition against the legislature passing a law to bring the State within the purview of this bill, that the Federal Government will make these grants without any contribution from the State for a period of 2 years, does it?

Mr. SAMUEL B. HILL. It does not; no.

Mr. NICHOLS. And that is exactly what the Russell amendment did, was it not?

Mr. SAMUEL B. HILL. That is what it did, not only to that class of States but to all other States for a period of 2 years—States which had no State pension plan.

Mr. NICHOLS. In the event the State constitution was silent as to whether the legislature could pass old-age-pension legislation, and assuming the attorney general of the State should hold that by reason of the constitution being silent on the subject that legislation could not be had touching it until such time as the constitution was amended, does the gentleman think that the other subdivisions of the State government down to the county and city could raise the money with which to match the Federal funds?

Mr. SAMUEL B. HILL. That would be a matter left to the interpretation of the board upon the presentation of the law and constitutional provisions.

Mr. PATMAN. Mr. Speaker, will the gentleman yield?

Mr. SAMUEL B. HILL. I yield.

Mr. PATMAN. Will the gentleman place in the RECORD the names of the States involved?

Mr. SAMUEL B. HILL. Yes; I think I can do it. The gentleman means involved by reason of some State constitutional prohibition?

Mr. PATMAN. Yes.

Mr. SAMUEL B. HILL. I am not certain that I have all the names of the States in mind; there are three or four of them. I understand that Georgia, Florida, and possibly Oklahoma and Texas are the States in question.

Mr. GREEN. Mr. Speaker, will the gentleman yield?

Mr. SAMUEL B. HILL. I yield.

Mr. GREEN. It is necessary for these county and city units to make the contribution in order to receive the benefits?

Mr. SAMUEL B. HILL. Oh, yes. Without contribution from within the States there is not going to be any payment of Federal money under this act, as amended.

Mr. GREEN. It must be matched dollar for dollar?

Mr. SAMUEL B. HILL. Yes; dollar for dollar.

Mr. McFARLANE. Mr. Speaker, will the gentleman yield right there?

Mr. SAMUEL B. HILL. Yes.

Mr. McFARLANE. Do I understand that for the next 2-year period the States affected would have to put up any money, or would they get $15 a month?

Mr. SAMUEL B. HILL. The Federal Government will not pay $15 to them unless they come through with $15 either from the State government or some subdivision of the State. They must first put up pension money to be matched by the Federal Government. They will not get any Federal money otherwise.

Mr. GREEN. I mean before this becomes effective.

Mr. SAMUEL B. HILL. That is true.

Mr. MOTT. Mr. Speaker, will the gentleman yield?

Mr. SAMUEL B. HILL. I yield.

Mr. MOTT. But as to the State which already has an old-age-pension law which may not conform to the Federal requirement, they would have to change their law before they could qualify.

Mr. SAMUEL B. HILL. Unless it is a substantial compliance, unless the law now substantially complies. The fact of the matter is most of the States will have to make some modification of their pension laws to come within the provisions of this bill.

Mr. MOTT. How will the term "substantial compliance" be interpreted?

Mr. SAMUEL B. HILL. That is a matter to be determined by the social security board; but I take it they are not going to split hairs.

Mr. MOTT. They are going to interpret it liberally?

Mr. SAMUEL B. HILL. Yes.

Mr. FERGUSON. Mr. Speaker, if the gentleman will yield, to clarify the situation, under the Russell amendment States would receive up to $15 a month without financial participation for 2 years. Under the amendment as brought in by the conferees the proposition of matching is still intact as originally provided in the House bill, and dollar for dollar has to be matched when the State participates.

Mr. SAMUEL B. HILL. I will say to the gentleman as a Member of this House you have put back upon your State the responsibility of restoring this matching provision. The money may be contributed by the communities or subdivisions of the State, for instance, but the Federal money must be matched by money within the State to make it possible for them to participate.

Mr. FERGUSON. All this requires is that the State get the money from some source if the constitution prohibits action by the State legislature.

Mr. SAMUEL B. HILL. All this does is to make State participation possible by getting money from some subdivision of the State.

Mr. DUNN of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. SAMUEL B. HILL. I yield.

[Here the gavel fell.]

Mr. DOUGHTON. Mr. Speaker, I yield 5 additional minutes to the gentleman from Washington.

Mr. DUNN of Pennsylvania. I wish the gentleman would explain this situation: In the State of Pennsylvania it will be necessary to amend the State constitution before an old-age-pension law can be passed; it is forbidden by the constitution. It would take at least 5 years to amend the constitution.

The legislature has appropriated money to give the aged relief. In the gentleman's opinion, will this bill help the aged of Pennsylvania?

Mr. SAMUEL B. HILL. It will if the counties, or some other subdivisions of the State government, will contribute pension money to match the Federal contribution.

Mr. DUNN of Pennsylvania. It is not a form of pension, because the State constitution forbids it.

Mr. SAMUEL B. HILL. I could not answer, for I do not know what the facts are.

Mr. BOILEAU. Will the gentleman yield?

Mr. SAMUEL B. HILL. I yield to the gentleman from Wisconsin.

Mr. BOILEAU. May I ask the gentleman to explain the situation in the conference agreement with reference to the State pools and the reserves within those States?

Mr. SAMUEL B. HILL. That is the La Follette amendment. The House yielded on the La Follette amendment and it goes in here as passed by the Senate. The gentleman understands what the La Follette amendment is?

Mr. BOILEAU. Yes.

Mr. SAMUEL B. HILL. The House yielded on that matter. I am not going to take more time on the La Follette amendment because it would take longer than I have at my disposal, but I think the House will be pleased to go along with it.

The social security board as provided in the House was an independent agency and the Senate put it under the Department of Labor. The conference report presents an agreement in reference to that matter. The original provision of the House bill is maintained. In other words, the social security board will be an independent agency of the Government.

We have title 10 put in by a Senate amendment, which has to do with pensions for the blind. The provisions of that amendment as agreed to by the House and as included in the conference report are that the needy blind, regardless of age, are under State plans permitted to have Federal assistance, and the Government will match State money to the extent of $15; in other words, on the same basis as the Federal participation in old-age assistance, except there is no age limit.

[Here the gavel fell.]

Mr. DOUGHTON. I yield the gentleman 5 additional minutes.

Mr. DUNN of Pennsylvania. Will the gentleman yield?

Mr. SAMUEL B. HILL. I yield to the gentleman from Pennsylvania.

Mr. DUNN of Pennsylvania. With reference to pensions for the blind in those States that do not give blind people a pension, may I ask if this bill will help the blind in those particular States?

Mr. SAMUEL B. HILL. It will not, until they adopt pension plans or what we may call "assistance plans."

Mr. DUNN of Pennsylvania. There are only 22 States in the Union that give benefits to the blind. The blind in those States will receive benefits, while the blind in the other States will not.

Mr. SAMUEL B. HILL. Only those States that have provision for the pensioning of the blind will get assistance from the Federal Government under this bill.

The Senate receded in reference to title 11, placed in there by Senate amendment, which provides a pension of $30 a month for needy Indians, to be paid wholly by the Federal Government. There were many provisions in there that we thought were ill-advised. The legislation was hastily drawn and hastily passed, as we thought, without proper consideration, and while we had a sympathetic interest in the aged and needy Indians, yet we felt that if we were to give them assistance in the form of pensions the matter should have more consideration than had been given the subject and more consideration than could be given the subject in this particular legislation; therefore, the Senate receded, and that title is out.

Mr. DIMOND. Will the gentleman yield?

Mr. SAMUEL B. HILL. I yield to the gentleman from Alaska.

Mr. DIMOND. Is it the gentleman's idea that the bill as drawn applies to Indians as well as other citizens of the United States?

Mr. SAMUEL B. HILL. It does. It is my opinion that aged Indians will receive the same benefits as aged white people or any other aged of the United States, because the Indians are by virtue of an act of Congress of 1924 citizens of the United States and have the same status as any other citizen of our country. Therefore, they are entitled to the provisions of the old-age pension under this title.

Mr. DIMOND. Then the striking out or the elimination of the Senate amendment with respect to Indians does not mean that this bill does not apply to Indians?

Mr. SAMUEL B. HILL. It does not mean that, but it does mean that the bill will apply to Indians, needy, aged, and that they will come under the provisions of title 1.

Mr. Speaker, I yield back the balance of my time.

Mr. DOUGHTON. Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts [Mr. TREADWAY].

Mr. TREADWAY. Mr. Speaker, may I say at the outset that the conferees on this bill, both on the part of the Senate and the House, have devoted a great deal of attention in a very sincere and practical way to clearing up some great differences which existed in the two bills as passed by the respective bodies. There is but one impasse. We reached the point where the conferees could not compromise or agree in any way or manner in relation to what is known as the "Clark amendment."

The conference report has been explained partially by the gentleman from Washington, and he has made a careful analysis of it for the Members of the House. A little later, I understand, the chairman is agreeable to having the Clark amendment alone discussed in some detail. At that time I shall take the opportunity of speaking in support of the Clark amendment.

The minority members were glad to sign the conference report. While some of us on this side have been opposed to the whole scheme as outlined in this bill, that is water over the dam and no longer a factor. The bill has been accepted in all these details by both branches, and the job of the conferees was simply to straighten out the differences between the two branches and not go to the fundamental principles of the measure. I think the chairman of the committee and his majority colleagues are entitled to a great deal of credit for having brought about this agreement. We of the minority, in our humble capacity, have endeavored as far as we could to cooperate. We could not cooperate, however, so far as the Clark amendment was concerned. Personally, I feel it is of very great importance that we have a very full expression of opinion on the part of the House as to the merits of this particular amendment which, as I previously stated, I will discuss in some detail later. When this bill was up for discussion originally there were many most desirable factors in the bill.

Mr. Speaker, the main purpose of the bill is to secure cooperation on the part of the Federal Government for old-age annuities, old-age pensions, and unemployment insurance. Those are the major factors of the bill, but there are also, if one might say, minor items as well as "window trimmings" to a certain extent which should be taken into consideration. We are aiding in the bill some old matters, namely, public health, vocational training, and maternal and child health.

Then we are setting up in this bill, Mr. Speaker, certain new provisions, namely, aid to dependent children, aid to crippled children, child-welfare services, and pensions for the blind. These are certainly all humanitarian movements and should be given our support.

So the minor items, to my mind, are most desirable, while the major items which I have read are in some respects undesirable. The attitude one must decide in voting for or against the final passage of this bill is whether it is desirable to secure these aids with respect to so-called "minor matters" by voting for other matters that you do not approve of. This leaves us in a very embarrassing position. I want to vote for all of these minor items. I want to vote against the major provisions, because I do not think personally they are matters that the Federal Government should undertake at this time, but, in general, I want to commend to my associates on this side of the House the results of the conference, and, for one, I am very pleased to assure my associates that I approve of the conference report and will gladly support it, aside from the disapproval which I have already stated in discussing the attitude of the majority on the so-called "Clark amendment."

[Here the gavel fell.]

Mr. DOUGHTON. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio [Mr. JENKINS].

Mr. JENKINS of Ohio. Mr. Speaker, not being a member of the conference committee, I can, with propriety and without being guilty of self-adulation, go further in saying nice things about the conferees than did my good friend, the gentleman from Massachusetts [Mr. TREADWAY], because he is a member of the conference committee.

I took a rather active part in the consideration of this important bill in the House and naturally I followed the work of the conferees closely and I may say to my colleagues on the Republican side that I think we have every reason to be proud of the fairness, candor, honesty, and persistency with which the majority members of the conference, as well as the minority members, pursued their duties in handling this important conference between Members of the House and Members of the Senate.

This is probably the most important and far-reaching measure we have considered in the Congress for many years. By this I mean that it deals with the very bread and butter of more people than probably any other measure that has been before Congress for many years. It deals with the poor and the aged and the blind and with nearly every stressful condition of life that may confront unfortunate people. It provides for the poor widow with her hapless brood of orphans; it seeks out the unfortunate youth whose home life is unhappy and who is irresistibly being drawn into the maelstrom of crime and lawlessness; it seeks to remove the dark cloud of poverty that has loomed up before the last days of many old people, and to plant instead a rainbow of hope that their last days might be happy. It will tell the poor blind man and woman, the most sorely afflicted of all our people, that henceforth they need not hold out their tin cups in their thin, emaciated hands, for the people of the greatest Nation in the world have realized that it is the duty of the fortunate to make provision for the unfortunate.

While this bill indicates an advance in public aid to unfortunates, I would have you realize that this bill is not to be considered as the gift of any person or any administration to these deserving people. Rather it is simply a recognition of the sentiment of the people of the Nation toward our unfortunates. It is a milestone marking the growth of civilization from the date of the first murder that we have any record of when a member of the first human family in defense of his foul deed said, "Am I my brother's keeper?" The human race has traveled far since then, but its course has generally been upward.

The conferees were required to assume the task of resolving 113 amendments. They have discharged this duty with tact and rare sagacity. The inconsequential amendments, such as those of diction and legislative terminology, were soon disposed of. Four or five were of major importance. One was the La Follette amendment. Another was the Russell amendment. Another was restoring authority to the social security board and not dividing it so as to put authority in the Secretary of Labor, where it should not be. Another is the Clark amendment, which has not as yet been composed between the conferees, and which will receive special consideration by the House yet today. Another was the amendment including the blind within the protection of the bill. I shall revert to that a little later. For fear I might forget, I should say to those of you who were interested in the question of the constitutionality of the provisions of this bill and who participated with us in the discussions when the bill was before the House that none of these numerous amendments changes the constitutionality of the bill in the least.

Mr. RICH. Mr. Speaker, if the gentleman will yield, I should like to ask this question: Was this bill submitted to the Attorney General to determine whether it is constitutional or not?

Mr. JENKINS of Ohio. I cannot answer the gentleman as to whether the conferees sought any advice of the Attorney General, and I have no desire to enter into a discussion of the constitutionality of the measure at all in the time allotted me.

Mr. COOPER of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. JENKINS of Ohio. I yield to the gentleman from Tennessee.

Mr. COOPER of Tennessee. The gentleman will recall that that matter was discussed, and as a part of my remarks I inserted the opinion of the Assistant Solicitor General on the bill.

Mr. RICH. As amended?

Mr. COOPER of Tennessee. At the time it passed the House.

Mr. JENKINS of Ohio. Yes; and I, too, referred to the uncertain and indefinite opinion of the Attorney General as to the constitutionality of certain titles of the bill, especially title 2 and title 8.

Mr. Speaker, for the remainder of my time I desire to address myself strictly to the amendment providing for relief to the blind. When this bill was up for consideration by the House I offered an amendment that would include the blind within the warm folds of the relief sections of this bill. This amendment was rejected, not on its merits or demerits but because the poor blind could be pushed aside by the young "brain trusters" who were fathering the bill at that time. The Membership of the House was favorable, but the partisan yoke was fitting much closer then than now. But the Senate has inserted an amendment providing relief for the blind in almost the exact language which was contained in my amendment. In effect the Senate adopted my amendment and the conferees have agreed to it. Those of you who were in favor of my amendment, and for whose assistance in that battle I was profoundly thankful, you may now assure your blind constituents that we have won the day and that they may feel that the flag of hope which they cannot see is flying high today. I thank the conferees in behalf of the thousands of poor blind who must grope their way through a dark world.

The Senate made only one material change in my amendment, and I wish to give them credit for it. This amendment provides that one need not be afflicted with permanent blindness in order to benefit under this law. One afflicted with temporary blindness may be included. This will be controlled by the State laws and the board in charge of the matter, who will issue regulations. Why should not a person 45 years of age, stricken with total blindness or temporary blindness for a few months or a few years, be entitled to the benefits of protection just as much as a man who has reached the age of 65 and who has the possession of his sight? Both need help if they have no means of support. To those of you who are friends of the blind, let me say that this amendment in itself will not give $15 a month to every needy, blind person in this country. Each State must pass some sort of legislation and must meet the requirements of this bill just the same as the States must meet the requirements of the bill with respect to the aged and the widows and the children in need. Each State must come forward with some constructive legislation that will match the requirements of the Federal Government in order that the blind people in your State may be taken care of.

Mr. MAY. Mr. Speaker, will the gentleman yield?

Mr. JENKINS of Ohio. I shall be pleased to yield.

Mr. MAY. I want to get one matter of information that the gentleman, no doubt, can give me. As I understand this measure as a whole, it is predicated upon the idea of participation by the States with the Federal Government.

Mr. JENKINS of Ohio. Absolutely.

Mr. MAY. Is there any provision whereby in the States, when they fail to comply with the requirements of the Federal Government, the pensioners in that State can be taken care of by the Federal Government?

Mr. JENKINS of Ohio. No. In old age and blind relief the Government contributes only when the State matches the Government. There are some provisions in this bill which provide for Federal contribution without State matching such as health and sanitation relief, but in all the major provisions of this bill State participation is a necessary condition precedent to Government participation. The philosophy of this plan is to put the administration of this class of relief upon the States and thereby hold it as close to the

people as possible. This class of relief is close to the hearts of the people. They should be permitted to administer it under close and strictly drawn regulations. This relief to the blind is intended to make them self-sustaining and to encourage them to feel that they are not unwelcome, but on the other hand that they are recognized as a part of our citizenship and are entitled to encouragement to help balance the natural handicap under which they are constantly placed. The Savior of man had compassion for the blind. Man himself has sympathy for the blind. This bill permits this sympathy to take tangible form. It transforms sympathy into money, which is a very practical guaranty for happiness. [Applause.]

[Here the gavel fell.]

Mr. DOUGHTON. Mr. Speaker, I yield 5 minutes to the gentleman from Arkansas [Mr. MILLER].

Mr. MILLER. Mr. Speaker, I should like to discuss for a minute the parliamentary situation and the question before us insofar as the Russell amendment is concerned. I do not agree to all that was said by the gentleman from Washington [Mr. SAMUEL B. HILL] as to the effect of the amendment proposed by the conferees. Neither do I agree to the procedure we are following which deprives the House of the right to a separate vote on an amendment as vital as the Russell amendment.

The question presented here is that we must vote the report up or down before the House can express itself as to whether or not they want to adopt and retain the Russell amendment. If we vote the conference report down a motion can then be presented to recede and concur in the Senate amendment, the Russell amendment, which is so vital to some of the States, including Arkansas. If the report is adopted we cannot have a vote on the Russell amendment. Such procedure is not right and in order for us to try to obtain justice for the aged we should vote the conference report down.

It is said that the amendment proposed by the conferees requires contribution on the part of some agency in the State where the State constitution prohibits the passage of participation laws.

Mr. SAMUEL B. HILL. Will the gentleman yield?

Mr. MILLER. I yield.

Mr. SAMUEL B. HILL. It does require the payment.

Mr. MILLER. Where is it so provided?

Mr. SAMUEL B. HILL. Because we did not take it out.

Mr. MILLER. Look at the conference report at the bottom of page 1. It says, "In lieu of the matter proposed to be inserted by the Senate amendment insert the following." What does "lieu" mean?

Mr. SAMUEL B. HILL. The bill, section 3, page 4, provides:

> From the sums appropriated therefor the Secretary of the Treasury shall pay to each State which has an approved plan for old-age assistance, for each quarter, beginning with the quarter commencing July 1, 1935, an amount which shall be used exclusively as old-age assistance equal to one-half of the total of the sum expended during such quarter as old-age assistance under the State plan with respect to each individual—

And so forth. We do not relieve somebody in the State from putting up the money.

Mr. MILLER. The only agency that could put up anything is the State itself.

The gentleman says that there are a few States in the Union who could not comply because of the constitutional provisions. I do not know how many States there are, but I understand Georgia is one of them. The contention I make is that if a contribution from the Federal Government is justified, it ought to go to all States alike and should not be dependent upon the constitutional provisions of a State nor upon its present ability to match the Federal funds.

They say it is a question of Federal aid or Federal pension. I do not care what you term it. There is no justification for discriminating against a citizen of Oklahoma or Arkansas or anywhere else in favor of a citizen in any other State. This Federal money is being contributed by the Federal Government, and it ought to go to all of the citizens who are eligible, and we ought to have a right to a separate vote as to whether or not we will accept the Russell amendment and thus do justice to all citizens regardless of where they may live.

Mr. SAUTHOFF. Mr. Speaker, will the gentleman yield?

Mr. MILLER. Yes.

Mr. SAUTHOFF. What have those States the gentleman mentions done within the last 6 months to remove these constitutional obstacles?

Mr. MILLER. I can speak only for Arkansas. We have passed laws to raise money, even to a sales tax.

Mr. SAUTHOFF. What has your State done with regard to the constitutional prohibition?

Mr. MILLER. We have no constitutional prohibition against the enactment of old-age pension laws, and we have enacted such laws, but I know that our eligibles in Arkansas will not receive the sum of $15 a month from the Federal Government, because our State will not be able to match the funds to that extent. We may be able to make some contribution, but it will be small, and I think we should have the time allowed under the amendment in which to place our State finances in shape to meet the requirements, so that our eligibles in Arkansas will receive the same amount of Federal money as is received by any citizen of any other State. That is all that the Russell amendment does, and it is fair, right, and just, and we should adopt it, or rather should agree to it, as passed by the Senate.

It is not pleasing for me to have to call the attention of the House to the fact that Arkansas will not be able to pay its eligibles a pension of $15 per month, but I am more concerned in obtaining a pension for our aged than I am in reciting to you the wonderful natural resources that are within our State, because our aged cannot live on these undeveloped natural resources, and they being citizens of the United States are entitled as a matter of right and justice to the same amounts as are citizens living in more populous and wealthy States, and the only way for this discrimination to be avoided now is to adopt the Russell amendment.

The SPEAKER. The time of the gentleman from Arkansas has expired.

Mr. DOUGHTON. Mr. Speaker, I yield 5 minutes to the gentleman from Arkansas [Mr. FULLER].

Mr. FULLER. Mr. Speaker, I realize that some of the States are facing a hard proposition to raise money with which to match Federal aid for old-age pensions. I realize that my State is going to be in that condition, but my State has no more rights than any other State in this Union. If Arkansas cannot comply with this law, God knows it ought not to complain and begrudge other States of the benefit. This is equal and just to all. Not only that, but Arkansas can and will comply with this law, and in a substantial manner.

Mr. MILLER. Mr. Speaker, will the gentleman yield?

Mr. FULLER. Yes.

Mr. MILLER. Does the gentleman think that Arkansas is able to contribute $15 a month to the eligibles under this bill?

Mr. FULLER. It may not be able to contribute that much, but it does not have to contribute any designated amount. The Federal Government contributes and matches any amount paid by Arkansas as a pension up to $15 per month.

Mr. MILLER. What does the gentleman think that Arkansas can contribute?

Mr. FULLER. Statistics show that Arkansas has 75,000 people over 65 years of age and that less than 15 percent of these are eligible for pensions. At $10 per person, it would mean that Arkansas would be required to raise $1,300,000, which amount, being matched by the Federal Government, would pay an average pension of $20 each. The recent legislature of our State provided for practically $1,000,000 for this purpose and we can and will raise what is necessary to take care of the eligibles who are in need over 65 years of age. If it should develop that we cannot raise $10 per person, we can reduce our contribution. In some localities, as is true everywhere, many have never made as much, on an average, as $10 a month in cash and could very well get along with

much less than $30 per month. It is true, however, in cities, where rent must be paid, a larger pension should be allowed. This measure is all based upon need, and it is not contemplated that the State and Federal Governments will provide better living conditions than these people have enjoyed during their lives. We cannot afford to kill thrift and ambition. We cannot afford to take the attitude simply because one is 65 years of age that they are going to remain on "flowery beds of ease" by reason of a big pension; this is based wholly and entirely on the theory of helping those who cannot help themselves and can never be construed anything else than a dole.

Mr. MILLER. Do I understand the gentleman to say that a citizen 65 years of age is not entitled to as much as $10 a month?

Mr. FULLER. I want to say that nobody, simply because 65 years of age, is entitled to any money as a pension; the Government owes no real obligation to give anybody a pension.

Mr. KELLER. Why not? Why are we doing it?

Mr. FULLER. Not as a governmental, legal, or financial duty, but as a humanitarian, social-welfare act to take care of the unfortunate needy—those who cannot take care of themselves.

Mr. VINSON of Kentucky. Mr. Speaker, will the gentleman yield?

Mr. FULLER. Yes.

Mr. VINSON of Kentucky. The legislatures of the respective States will determine the amount of the pension and those who are eligible.

Mr. FULLER. Certainly.

Mr. HUDDLESTON. Is it the gentleman's interpretation of this amendment, in the form reported by the conferees, that if Arkansas should make no contribution, Arkansas will get nothing?

Mr. FULLER. That is right. There are a few States in the Union, two, possibly three, which have a prohibition in their constitutions against using money for this particular purpose. They want until January 1, 1937, to correct this condition, so they can participate and get money for this purpose and receive aid from the Nation. We grant those States that request, with the provision that while the State itself cannot match the Federal money, they cannot get any money for that State unless a county or a municipality or some particular subdivision of the government matches the Federal money. None of this Federal money can go to a State unless matched by the State or a subdivision thereof. I am sorry to have to differ with my colleagues, but I am really chagrined to hear them talk about Arkansas being poverty stricken. Arkansas is not poverty stricken. Arkansas, in natural resources, is one of the most wonderful and rich States in the Union. [Applause.]

I have devoted a greater portion of my life exclaiming the grandeurs and virtues, wealth and undeveloped resources of my State. We proudly boast of Arkansas as the "Wonder State", and I cannot pass unchallenged the statement that we cannot do what other States in the Union can and will do.

In the last few years we have had unprecedented floods and droughts; in addition, we have had a financial depression which is common all over the country. Without these catastrophes we would not be seeking or accepting relief at the hands of the Federal Government. Arkansas is ready, able, and willing, and will, in a substantial way, contribute its portion and take care of its needy over 65 years of age.

The SPEAKER. The time of the gentleman from Arkansas has expired.

Mr. DOUGHTON. Mr. Speaker, I yield 2 minutes to the gentleman from Arkansas.

Mr. FULLER. We ought not to have any benefit from the Federal Treasury if we do not do our own part. The God's truth of the matter is Arkansas has received approximately $300,000,000 under this relief program and has paid only a few millions into the Federal Treasury as income taxes. What has happened in my State has happened in a great proportion of the other States of the Union. The time has come when we have to protect the Federal Treasury. We have already gone too far in appropriations for various relief. The time has come to call a halt. This dole must stop and give the country time to recover. I never thought I would live to see the day when the Federal Government would take the taxpayers' money to pay pensions to the aged; but the time has come, the emergency is here, and we might as well face it. We ought to perform this duty fairly, justly, and equitably, to all alike, and no State or any class of people are entitled to preference over any other. I have no sympathy with the argument that the Federal Government ought to bear all the burden and pay everyone a pension of a certain age and take care of everyone wanting relief. The true test should be to help the needy, those who cannot help themselves, and carry out the spirit of the Good Samaritan and to perform our duty to our neighbor who is in distress.

Every State seeking relief in the way of a pension for its citizens should match what the Federal Government is willing to pay. I realize that in the future we will hear of people running for Congress on the platform that the States should not pay any of this obligation but the Federal Government should pay it all, and in an amount possibly up to $200 a month. But we all realize that is only political propaganda for the purpose of obtaining office and that it is a burden the Government cannot possibly bear.

Mr. GIFFORD. Will the gentleman yield?

Mr. FULLER. I yield.

Mr. GIFFORD. The gentleman made the statement that there are many people in the State of Arkansas who never averaged $10 a month. Last year, under Mr. Hopkins, were they not paid the usual 45 cents an hour, and have they not made more than $10 a month?

Mr. FULLER. Yes. That is true, although those able to work and make more were only paid about $19 per month. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Arkansas [Mr. FULLER] has expired.

Mr. DOUGHTON. Mr. Speaker, I yield 3 minutes to the gentleman from Oklahoma [Mr. NICHOLS].

Mr. NICHOLS. Mr. Speaker, I am satisfied the House, when it comes to a vote, is going to do the usual thing and adopt the conference report suggested by the conferees; but you be just advised of what you are doing. There are 18 States in the United States that will not get one cent of the money provided for under this bill.

The distinguished gentlemen of the committee say that no State should be permitted to have any of this money unless they match the money. Well, why not? Where does this money come from? It comes from Federal taxation, does it not? When you gather that money, when you get Federal taxes, you go into every State in the United States and you take it from every individual in the United States. There are no boundary lines; there are no geographical subdivisions which you exempt from the payment of taxes. You collect Federal taxes from all over the United States alike. What is this? This is paying back to people in a certain class the benefits derived from Federal taxes. Then why, in the name of common sense, should you, when you get ready to pay back the benefits of government derived from Federal taxes, set up geographical boundaries or State lines and say, "Old man or old woman, 65 years of age or more, if you live in a State where the constitution will not permit that State to raise funds to match Federal funds, or if you live in a State where the legislature will not pass legislation to permit the State to meet the funds of the Federal Government, or if you live in a State whose ad valorem valuation is so low that they cannot raise money from taxation, then, old man and old woman, American citizen though you may be, old man and old woman, though you have always paid your Federal taxes, because you live in that kind of a State you will be discriminated against by the Federal Government when it gets ready to pass back to the people the benefits of government that you yourselves have helped to build up by the collection and gathering of Federal taxes"? [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Oklahoma [Mr. NICHOLS] has expired.

Mr. DOUGHTON. Mr. Speaker, I yield 2 minutes to the gentleman from Oklahoma [Mr. FERGUSON].

Mr. FERGUSON. Mr. Speaker, sometime ago I wrote every Member of this body explaining the fact that in the Senate was inserted an amendment by Senator RUSSELL that would allow the Social Security Act to actually pay a pension. I urged the Membership of the House to watch this bill closely and vote with me to make this bill actually pay a pension. Now is the time to take this action. I talked to many of you personally on this matter. Now we can keep our word and pass a bill to pay a pension.

You Members who are going home to States where people are not going to receive any pension are going to regret that this day you did not vote down the conference report, with instructions that the Russell amendment be retained. What are you going to do with the people who are writing you every day asking, "When are we going to get the money under President Roosevelt's social-security bill?" That is going to be a hard question to answer. If we are going to take the attitude that the committee has taken, that $15 a month will bankrupt the Treasury, then this bill is indicted as not being in good faith, because it permits that much if the States will match it. Sometime we are going to be liable for $15 a month, if the States are able to do what the Federal Government says they can do. We are not asking for a perpetual proposition. For a period of 2 years, under the Russell amendment, States can participate and the people will actually get a pension check, which they will not get under this law as drawn. [Applause.]

In my opinion, under this bill the people of Oklahoma will not receive pensions for at least a year—until such time as we vote to revise our constitution and levy taxes with which to match the funds from the Government. I hope the Membership of this House will not be misled by the substitute offered for the Russell amendment. This substitute only gives other local agencies than the State power to match Government funds until July 1, 1937. I hope, and my firm conviction is, that we will recognize that this is our last opportunity at this session of Congress to actually pay the old people of the Nation in the States that are not qualified to match Government funds, a pension. Let us vote down this conference report and instruct our conferees to accept the Russell amendment as incorporated in the Senate bill, and actually accept the responsibility of paying our old people a pension immediately on the passage of this bill. I shall be severely disappointed if we vote to accept the bill as recommended by the conferees. I know that I shall have to tell the people entitled to a pension in my State that I failed in my efforts to get them the pension they so justly deserve. I am willing to accept the challenge and work on this proposition until the old people of my district are actually receiving pensions.

In the short time allotted me by the Ways and Means Committee I am unable to make my position clear. I am afraid the Membership of the House does not fully understand the position of many States that will receive no pensions. I also fully realize that the efforts on the part of a few Members here today will be of little effect against the powerful political prestige of the Ways and Means Committee. On the whole, I think the Committee has done a good job; but in this I believe they neglected their duty to see that every qualified person in the United States should actually receive a pension. It is with little hope that I urge you to vote for this amendment in the face of such political prestige, but at least I have the satisfaction of stating my convictions on the floor of the House.

The SPEAKER pro tempore. The time of the gentleman from Oklahoma [Mr. FERGUSON] has expired.

Mr. DOUGHTON. Mr. Speaker, I yield 5 minutes to the gentleman from Kentucky [Mr. ROBSION].

Mr. ROBSION of Kentucky. Mr. Speaker, ladies and gentlemen of the House, we have before us for consideration the conference report on H. R. 7260, to provide old-age pensions, and so forth.

This is President Roosevelt's bill, but has been materially amended in the Senate. It came up for consideration in the House on April 15, and at that time I made a speech during the general debate pointing out that the age limit was too high, and that the President's bill provided no relief for the needy blind or needy crippled people and the inadequacy of the amount and because of the constitutional provisions and financial conditions of many States—the States would not be able to match the Government's money and this would deny pensions to the needy old people in many States and in my State. I also pointed out the inadequacy of the appropriation, and that the amount carried in the bill would not provide more than 80 cents per month for needy old persons in the United States. While the bill was still under consideration, and on April 18, 1935, I offered an amendment (1) to fix the minimum age at 60 years instead of 65, as provided in the President's bill, (2) to provide the same amount of pension for the needy blind and needy cripples as to the needy old people, (3) my amendment also provided that the Government should pay $25 per month to aged needy persons, needy blind persons, and needy crippled persons in the United States without waiting for any contribution from the States.

This amendment was strongly urged by me, because people 60 years of age or over, under our modern system of machinery and efficiency cannot find gainful employment. People who are poor and blind, or poor and crippled, need a pension just as much as old people. I pointed out that the President's bill provided that no needy old person could get a pension until the States should first pass laws, collect taxes, and match the Government's money. I emphasized the fact that the constitution of many States would have to be changed, and the financial condition of many States was such that the States, including Kentucky, would not be able for a long period of time, if at all, to match the Government's money, and therefore, these needy old people in Kentucky and other States similarly situated would be denied any pension. These needy old, needy blind, and needy crippled people have to have help now, and my amendment provided that the Federal Government, on the passage of this act, should pay each one of them $25 per month, at least until July 1937, and gives the States time to change their constitutions, pass new laws, and match the Government's money, but the President and the Democratic leaders of the House were opposed to any such amendment, and with their big Democratic majority they were able to defeat my amendment.

The President's bill went to the Senate. The Senate amended President Roosevelt's bill in many particulars. Senator Russell offered and secured an amendment to the bill in the Senate, which provided that the Federal Government would pay a pension to needy persons 65 years of age, or over, until July 1, 1937, without requiring the State to match the Federal Government's money, but in no event could this pension exceed $15 per month.

INDIANS AND ESKIMOS PREFERRED

The Senate adopted another amendment authorizing the payment of $30 per month to Indians and Eskimos who had attained the age of 65 years, and whose income was less than $1 per day, and also provided a pension for Indians or Eskimos who are blind and under 65 years of age the sum of $10 per month. This would not require any matching and will be paid to these Indians and Eskimos when this measure is enacted into law. I am at a loss to understand why this great preference should be shown to Indians and Eskimos as against white or colored citizens of the United States. If Indians or Eskimos 65 years of age require $30 per month, and Indians and Eskimos less than 65 years of age, who are blind, require $10 per month, I cannot understand why aged needy white and colored American citizens 65 years of age and blind persons should not receive equal consideration with the Indians and Eskimos.

CONFEREES CHANGED SENATE AMENDMENT

After the bill passed the Senate, as is provided by the rules of the House and Senate, this measure was sent to conference. The conferees are made up of 5 Members of the House and 5 of the Senate. It is their business to try to reconcile the differences in the bill as passed by the House and as passed by the Senate.

The conferees modified the Senate amendment as to old-age pensions for white and colored citizens, but not as to Indians and Eskimos, and they have submitted a conference report setting forth this change, which is as follows:

Which provides that the State plan for old-age assistance, in order to be approved by the Board, need not provide for financial participation before July 1, 1937, by the State, in the case of any State which the Board, upon application by the State and after reasonable notice and opportunity for hearing to the State, finds is prevented by its constitution from providing such financial participation.

As I understand this amendment as submitted in the conference report, the Senate amendment providing for as much as $15 per month to needy people 65 years of age or over without State participation is wiped out. Under this conference amendment the Federal Government can only pay a pension to needy people 65 years of age without State participation if the constitution of such State prohibits the State from collecting taxes to provide for old-age pensions. If there is nothing in the constitution of a State prohibiting such State from collecting taxes for old-age pensions, then it must do so and match the Government's money before the Government can contribute any amount to any needy old person in such State. In other words, unless the constitution of Kentucky prohibits the State of Kentucky from collecting taxes for old-age pensions, Kentucky must levy and collect taxes and match the Government's money before anyone in Kentucky can get an old-age pension. On the other hand, if the constitution of Kentucky prohibits the collection of a tax for old-age pensions, then under this amendment submitted by the conferees' report, the Federal Government could pay to needy people in Kentucky, 65 years of age or over, and who are not confined in any institution, a pension not to exceed $15 per month.

I regret very much that this involved amendment was put into this bill. It should have remained as the Senate passed it, which provided that the Federal Government, until July 1, 1937, could pay a pension amounting to as much as $15 per month to needy people 65 years of age and over without State participation. Under the conferees' amendment it must now be debated and argued and decided whether or not the constitution of Kentucky prohibits the State of Kentucky from collecting a tax for old-age pensions. Nothing can be done to relieve the needy old people of Kentucky until this is decided, and if it should be decided that the constitution of Kentucky does not prohibit Kentucky from collecting taxes to match the Government's money for old-age pensions, then nothing can be done, and there will be no help for the aged needy in Kentucky until Kentucky passes laws, collects taxes, and matches the Government's money.

These old people need help now, and they need it very much; and I am deeply grieved that my amendment was not adopted. If it had been adopted, in a short time each needy person in Kentucky 60 years of age or over, each needy blind person, and each needy crippled person would begin receiving $25 per month.

STATE MUST MATCH FEDERAL MONEY

As I have heretofore pointed out, unless the constitution of Kentucky prohibits the collection of taxes to match the Federal money, no needy old person in Kentucky will receive any pension for a considerable time yet. This is true as to needy blind people. There is no provision in the bill for needy crippled people. The House and Senate both turned down my amendment on that, but the Senate did put in an amendment authorizing the payment of pensions to needy blind people, provided the State puts up a like sum.

This bill provides that the Government will match State money, one for two, for pensions for dependent children, needy widows, and needy orphans. This is also true as to vocational training and the public health. Unless the State of Kentucky comes along and passes laws, sets up an organization, and collects taxes to match the Federal money, this legislation will mean nothing to the needy old people, the needy blind people, needy widows, orphans, or dependent children in Kentucky, and this is true as to vocational training for crippled people.

Every citizen of every State in the Union, directly or indirectly, pays taxes into the United States Treasury. The rich States like Pennsylvania and New York, Massachusetts, Ohio, Illinois, and so forth, have provided old-age-pension systems and they are able to match the Federal funds. I am afraid that Kentucky and many other States similarly situated might not be able to match the Federal funds, and therefore we will have the spectacle of the people in the rich States receiving old-age-pension money from the Government and the people in the poor States (where they need the pensions the most) not able to meet the Government's money and not receiving any money from the Government to pay pensions.

As I have pointed out, the people of the poor States will be paying money into the Treasury to provide pensions for those living in the rich States but will themselves receive no pension benefits, and it was this and other circumstances that led me to offer and strongly urge my amendment for the Federal Government to pay each needy old person, each needy blind person, and each needy crippled person $25 per month without it being matched by the State. In this way, each and every needy old, needy blind, and needy crippled citizen of the United States would be treated alike and the Federal Government would not show any partiality among its citizens; and furthermore I know that these classes of people needed help in these terrible times of depression and they need it now and perhaps will never need it so much as they need it now.

I voted for this bill because it was the best bill we had a chance to vote for. Some day we hope to help amend this law so that it may do substantial justice to all American citizens and so that it will at least not give preference to Indians and Eskimos over white and colored citizens.

Mr. DOUGHTON. Mr. Speaker, I yield the remainder of my time to the gentleman from Kentucky [Mr. VINSON].

Mr. VINSON of Kentucky. Mr. Speaker, those of us who are concerned with legislation affecting the people of this country are, and should be, happy that this legislation is drawing near a conclusion.

Some 20 or more years ago, when a great ocean liner struck an iceberg and it became apparent that all could not be saved, our country was thrilled with the heroic utterance and obedience to the order, "Women and children first." Heroes went to watery graves to carry out this order.

Last year, in June, I think, the President of the United States sent a historic message to the Congress in which he said that with all the hazards and vicissitudes of this modern life, the first objective of government should be security for men, women, and children. A second message came to this Congress on January 17 of this year, asking us to give immediate consideration to this problem of social security.

As a member of the Ways and Means Committee, I shall always be proud of the hours and days I have spent assisting in the preparation of this bill. Let me say to the conferees that, regardless of the work they may do in the future, their work upon this bill will be a star in their crowns. They have brought back to the House of Representatives a real social-security bill. Let me say to the membership of this House that of all the votes you will ever cast, even though there may be certain parts of it with which you do not agree, I predict that you will always be happy and proud of your vote and your participation in this great social-security program.

For the first time in the history of this Nation and in the most comprehensive social program that was ever formulated by a legislative body, unfortunate people are cared for. Unfortunate mothers, unfortunate children, unfortunate blind, unfortunate crippled, unfortunate unemployed, unfortunate aged. In the category of the unfortunates who will be cared for under this legislation we start at the cradle and go to the grave. It is a wonderful program, a program benefiting the people of this country.

There may be those who will say that certain changes should be made, but remember, my friends, every dollar that goes to the unfortunates under this bill will be an additional dollar, one dollar more, to go to them than they would

receive without this legislation. It is a great humanitarian program, a program looking toward benefits to people, providing security, social security, to our unfortunates, from the cradle to the grave.

Mr. DOUGHTON. Mr. Speaker, I move the previous question on the adoption of the conference report.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

The SPEAKER. The Clerk will report the first amendment in disagreement.

Mr. DOUGHTON. Mr. Speaker, I ask unanimous consent that the amendments in disagreement, nos. 17, 67, 68, 83, and 84, be considered en bloc.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Clerk read the Senate amendments, as follows:

Amendment no. 17: On page 16, after line 17, insert the following:

"(7) Service performed in the employ of an employer who has in operation a plan providing annuities to employees which is certified by the Board as having been approved by it under section 702, if the employee performing such service has elected to come under such plan; except that if any such employee withdraws from the plan before he attains the age of 65, or if the Board withdraws its approval of the plan, the service performed while the employee was under such plan as approved shall be construed to be employment as defined in this subsection."

Amendment no. 67: On page 45, line 2, insert the letter "(a)."

Amendment no. 68: On page 45, after line 9, insert the following:

"(b) The Board shall receive applications from employers who desire to operate private annuity plans with a view to providing benefits in lieu of the benefits otherwise provided for in title II of this act, and the Board shall approve any such plan and issue a certificate of such approval if it finds that such plan meets the following requirements:

"(1) The plan shall be available, without limitation as to age, to any employee who elects to come under such plan: *Provided*, That no employer shall make election to come or remain under the plan a condition precedent to the securing or retention of employment.

"(2) The benefits payable at retirement and the conditions as to retirement shall not be less favorable, based upon accepted actuarial principles, than those provided for under section 202.

"(3) The contributions of the employee and the employer shall be deposited with a life-insurance company, an annuity organization, or a trustee, approved by the Board.

"(4) Termination of employment shall constitute withdrawal from the plan.

"(5) Upon the death of an employee, his estate shall receive an amount not less than the amount it would have received if the employee had been entitled to receive benefits under title II of this act.

"(c) The Board shall have the right to call for such reports from the employer and to make such inspections of his records as will satisfy it that the requirements of subsection (b) are being met, and to make such regulations as will facilitate the operation of such private annuity plans in conformity with such requirements.

"(d) The Board shall withdraw its approval of any such plan upon the request of the employer, or if it finds that the plan or any action taken thereunder fails to meet the requirements of subsection (b)."

Amendment no. 83: On page 55, after line 17, insert the following:

"(7) Service performed by an employee before he attains the age of 65 in the employ of an employer who has in operation a plan providing annuities to employees which is certified by the Board as having been approved by it under section 702, if the employee has elected to come under such plan, and if the Commissioner of Internal Revenue determines that the aggregate annual contributions of the employee and the employer under such plan as approved are not less than the taxes which would otherwise be payable under sections 801 and 804, and that the employer pays an amount at least equal to 50 percent of such taxes: *Provided*, That if any such employee withdraws from the plan before he attains the age of 65, or if the Board withdraws its approval of the plan, there shall be paid by the employer to the Treasurer of the United States, in such manner as the Secretary of the Treasury shall prescribe, an amount equal to the taxes which would otherwise have been payable by the employer and the employee on account of such service, together with interest on such amount at 3 percent per annum compounded annually."

Mr. TREADWAY. Mr. Speaker, before amendment no. 84 is read, may I ask the chairman of the committee if 84 is not a separate matter from the so-called "Clark amendment"? In other words, it is the Black amendment. As I understood it, we were to have up for consideration the Clark amendment only, whereas this is an amendment to the Clark amendment, known in conference as the "Black amendment." I would ask that this be taken up separately. This was not given very much consideration.

Mr. SAMUEL B. HILL. The Black amendment, which is amendment no. 84, would have no place in the picture at all if it were not for the Clark amendment. It is an amendment to the Clark amendment. It all goes together. You cannot separate them.

Mr. TREADWAY. I realize it is an amendment to the Clark amendment, but the Clark amendment itself stops in the middle of page 56.

Mr. SAMUEL B. HILL. If the Clark amendment should fail there would be nothing at all to which the Black amendment could attach itself, so it is so inseparably connected with the Clark amendment that the two cannot be separated.

Mr. TREADWAY. Mr. Speaker, is it not fair to inquire whether or not the Black amendment, so called, should not be further brought up in conference in order to straighten out what appears to be an unfortunate situation in the prohibition language that it carries? As I understand it, this prevents the director of any insurance company being connected with any of these boards.

Mr. SAMUEL B. HILL. I think the gentleman will agree with me that you cannot find any status or excuse on earth for the Black amendment without the Clark amendment.

Mr. DOUGHTON. I shall move that the House disagree to the Senate amendment.

Mr. TREADWAY. That is my point; if the Black amendment should not go back with the Clark amendment to conference.

Mr. DOUGHTON. Certainly.

Mr. TREADWAY. If that is the situation, it is entirely satisfactory to me. Mr. Speaker, I understand now that the so-called "Black amendment" shall further be considered by the conferees with the Clark amendment.

Mr. SAMUEL B. HILL. No; we are considering it right now in conjunction with the Clark amendment, because it is a part of that amendment, and you cannot separate the two. It has nothing to which to attach itself without the Clark amendment.

Mr. TREADWAY. The Clark amendment could be amended?

Mr. SAMUEL B. HILL. Certainly not. It is a part of the Clark amendment. The Clark amendment with the Black amendment constitutes the full Clark amendment.

Mr. VINSON of Kentucky. Amendment no. 84 is in disagreement. The House has either to agree or disagree to it, and I understand the motion of the gentleman from North Carolina will be to disagree to amendment no. 84, along with the other amendments that are known, strictly speaking, as the "Clark amendment."

Mr. TREADWAY. If amendments nos. 82 and 83 go back to conference, would that include amendment no. 84?

Mr. VINSON of Kentucky. Under the unanimous consent that was presented and agreed to.

Mr. TREADWAY. Eighty-four is inseparable from 82 and 83; therefore, it would go back to conference?

Mr. VINSON of Kentucky. Yes; en bloc.

Mr. DOUGHTON. They are to be considered and acted upon en bloc.

The Clerk resumed the reading of the Senate amendments, as follows:

Amendment no. 84: On page 56, after line 12, insert the following:

"SEC. 812. (a) It shall be unlawful for any employer to make with any insurance company, annuity organization or trustee any contract with respect to carrying out a private annuity plan approved by the Board under section 702, if any director, officer, employee, or shareholder of the employer is at the same time a director, officer, employee, or shareholder of the insurance company, annuity organization or trustee.

"(b) It shall be unlawful for any person, whether employer or insurance company, annuity organization or trustee, to knowingly offer, grant, or give, or solicit, accept, or receive, any rebate against the charges payable under any contract carrying out a private annuity plan approved by the Board under section 702.

"(c) Every insurance company, annuity organization or trustee, who makes any contract with any employer for carrying out a private annuity plan of such employer which has been approved

by the Board under section 702, shall make, keep, and preserve for such periods, such accounts, correspondence, memoranda, papers, books, and other records with respect to such contract and the financial transactions of such company, organization, or trustee as the Board may deem necessary to ensure the proper carrying out of such contract and to prevent fraud and collusion. All such accounts, correspondence, memoranda, papers, books, and other records shall be subject at any time, and from time to time, to such reasonable periodic, special, and other examinations by the Board as the Board may prescribe.

"(d) Any person violating any provision of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than $10,000 or imprisonment for not more than 1 year, or both."

Mr. DOUGHTON. Mr. Speaker, I move that the House insist on its disagreement to the Senate amendments which have just been reported by the Clerk.

Mr. TREADWAY. Mr. Speaker, I offer a preferential motion.

The SPEAKER. The gentleman from Massachusetts offers a preferential motion, which the Clerk will report.

The Clerk read as follows:

Preferential motion offered by Mr. TREADWAY: Mr. TREADWAY moves to recede and concur in Senate amendments nos. 17, 67, 68, 83, and 84.

The SPEAKER. The gentleman from North Carolina [Mr. DOUGHTON] is recognized for 1 hour.

Mr. DOUGHTON. Mr. Speaker, I yield 10 minutes to the gentleman from Massachusetts [Mr. TREADWAY].

Mr. TREADWAY. Mr. Speaker, the motion of the gentleman from North Carolina, the chairman of the committee, means the taking out of the bill which is now under consideration the so-called "Clark amendment."

My motion to recede and concur, which is a preferential motion, means the inclusion of the Clark amendment.

The failure to include the idea in the Clark amendment in the original bill and the failure of the House conferees to concur in the action of the Senate and include the Clark amendment is another indication of the present-day intention of the administration to endeavor to control all business procedure. It is another indication of the concentration in Washington in the hands of the present administration of control over business scattered all over this land.

The Clark amendment was adopted in the other body by a vote of 51 to 35, thus demonstrating its strong sentiment in favor of the purpose which the amendment seeks to accomplish. The proposition was fully discussed from all angles, and all the objections that can possibly be brought forth here were made there.

What is the intent of the Clark amendment? Simply to permit business concerns that for many years have had pension systems of their own, contributed to by employees and employers alike or entirely by employers, to continue this system without the penalty of additional taxation to support some other people's employees; and if we fail to adopt the Clark amendment we penalize these people to the extent that either these private pension systems must be liquidated or else the employers and employees must contribute twice, once to their own system and also to the Government system.

I do not want to ascribe any unfair ideas to the administration, but I think this well illustrates what we have been reading about so frequently in the press in recent times of the desire on the part of those in control of the administration to create an attitude of hostility or opposition to our constitutional government. This is the question involved here, as I see it. We are treading on the thinnest kind of ice when we pass certain features of this bill at all. We have not been able to secure from the judicial authorities of the Government, the Attorney General or others, a definite opinion that this bill will be declared constitutional.

Mr. COOPER of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. TREADWAY. Certainly.

Mr. COOPER of Tennessee. I am sure the gentleman will recall, upon reflection, that the Assistant Solicitor General of the United States appeared before the committee in executive session and presented an opinion of some 11 pages, and in my remarks on the bill when it passed the House I included this opinion as a part of my remarks, and it is in the RECORD.

Mr. TREADWAY. Very good; I admit all that, and I still say that the Attorney General's Department has failed to positively say they could support the constitutionality of this bill. This certainly has also been the attitude of the judicial authorities in the conference. There is no question about the very shaky position of the judicial authorities that appeared the other day before the conferees.

Mr. CHRISTIANSON. Mr. Speaker, will the gentleman yield?

Mr. TREADWAY. I yield to the gentleman from Minnesota.

Mr. CHRISTIANSON. If the Supreme Court should declare this act unconstitutional and in the meantime if employers should liquidate their pension funds, then what will happen to the empoyees who now receive protection under private pension funds?

Mr. TREADWAY. They will be absolutely out of luck. They will have neither one nor the other and there is no question about that.

Mr. REED of New York. Mr. Speaker, will the gentleman yield?

Mr. TREADWAY. I yield.

Mr. REED of New York. And there are some 3,000,000 of them, are there not?

Mr. TREADWAY. As I understand it, the record shows there are 600 private pension funds in various business concerns throughout the country, and as the gentleman from New York states, they employ in the neighborhood of 3,000,000 people who will be absolutely deprived of the protection for which they have been paying over a long period of years.

Mr. REED of New York. And 300 of those private concerns have reserves of over $700,000,000.

Mr. TREADWAY. Yes; and the Clark amendment calls for the approval of the investment of these funds by the new Social Security Board. The Social Security Board absolutely controls the investment of the private funds. The only thing it does not do is to take them away from the private companies. There must be approval by this new Social Security Board of the investment of these private funds.

Mr. REED of New York. And is it not a fact that many of these large concerns were pioneers in this field and had to take a loss resulting from a long period of experiment in order to properly build up this system?

Mr. TREADWAY. Not only that, if I may interrupt my colleague, but when their business was poor and was not paying as they hoped it might, they nevertheless protected their employees with this sort of fund.

Mr. REED of New York. And is it not also a fact that the benefits given by many of these companies are far greater than what they will get from the Government?

Mr. TREADWAY. I was expecting to refer to that very feature. The Clark amendment provides that the benefits from the private insurance funds must be as good or better than those provided for in this bill. Is not that correct?

Mr. REED of New York. That is correct.

Mr. WOOD. Mr. Speaker, will the gentleman yield?

Mr. TREADWAY. I yield to the gentleman from Missouri.

Mr. WOOD. The gentleman just stated that if this law were declared unconstitutional, the people who are now covered by private insurance funds would lose the many millions of dollars they had paid in.

Mr. TREADWAY. No; I did not say they would lose it. Those funds would be liquidated and not lost. However, they would lose the benefit of their anticipated retirement annuities.

Mr. WOOD. The fact of the matter is the employers do not pay into these old-age pension funds operated by private companies except by less wages.

Mr. TREADWAY. Oh, they do; the employers and employees both contribute under one form and the employees only under another form. The gentleman is mistaken about that feature.

Now, I want to refer to some features of this debate. Let me quote from the author of this amendment—Senator CLARK. Senator CLARK said:

> The purpose of the amendment is to permit companies which have or may establish private pension plans, which are at least equally favorable or more favorable to the employee than the plan set up under the provisions of the bill as a Government plan, to be exempted from the provisions of the bill and to continue the operation of the private plan provided it meets the requirements of the amendment and is approved by the board set up by the bill itself.

There is the gist of the Clark amendment.

Mr. REED of New York. Will the gentleman yield?

Mr. TREADWAY. Certainly.

Mr. REED of New York. If it is not agreed to by the House, of necessity the private pension plans will either have to be liquidated or the employers will have to pay double rates.

Mr. CHRISTIANSON. The gentleman from Massachusetts is sure that the employers would not continue to contribute to both?

Mr. TREADWAY. No; that is hardly to be expected.

Mr. CHRISTIANSON. If the Clark amendment is not accepted it means the liquidation of the fund.

Mr. TREADWAY. I should assume so.

(The time of Mr. TREADWAY having expired, Mr. DOUGHTON yielded him 10 minutes more.)

Mr. KELLER. Will the gentleman yield?

Mr. TREADWAY. I yield.

Mr. KELLER. If these people pay double, they get double service.

Mr. TREADWAY. Oh, no; I beg the gentleman's pardon. They would not get but one service.

Mr. CRAWFORD. Will the gentleman yield?

Mr. TREADWAY. For a question.

Mr. CRAWFORD. Statistics will show how many of the 600 pensions are holding companies?

Mr. TREADWAY. Oh, I do not know anything about that.

Mr. CRAWFORD. If the question should arise and these were holding companies and they should be decentralized, then what would be the status of the employees—those insured? Assuming that they are not holding companies, what would be the status of the employees at any time?

Mr. TREADWAY. Those assets are in a separate fund, entirely separate from the business carried on by the company. They are under the approval of the new Security Board.

Mr. CRAWFORD. The amount deposited would be, but would they not at that point be in the same status as at the present time, when it is proposed to liquidate them, in the event that this amendment does not carry?

Mr. TREADWAY. If these companies are liquidated and you are an employee of one of these private corporations you would receive your pro rata share in the liquidation, but you would have no further protection under that private system for your old-age insurance, which now you would have.

Mr. THURSTON. Mr. Speaker, will the gentleman yield?

Mr. TREADWAY. Yes.

Mr. THURSTON. Is there any provision in the bill which would defer liquidation of these plans until the bill is declared constitutional?

Mr. TREADWAY. No. The adoption of the majority motion to insist upon disagreement and strike out the Clark amendment, as I say, sets up the situation which the gentleman from Minnesota [Mr. CHRISTIANSON] just referred to. You will either pay double or you are out of luck. As I said in answer to a question of the gentleman from New York [Mr. REED] there are 600 of these private-plan insurance boards in operation, covering 3,000,000 employees. Three hundred of these covering a million employees are on a reserve basis, with over $700,000,000 of reserve, and still, without the Clark amendment, we are forcing the liquidation of those companies.

Approximately 150,000 employees are now drawing pensions under private plans, and the average of those who share under the contributory plan is $84 per month and the noncontributory $59 per month.

Mr. KNUTSON. And the gentleman will recall a number of us in committee sought to have a similar provision incorporated in the original bill.

Mr. TREADWAY. I mentioned that at the opening of my remarks. This was brought up in committee and originally voted down, showing the desire, as I stated before, to place all this control of business in the hands of Government officials, who are inexperienced in business—and we know who they are, we know who are going to control this proposition—who have never had a bit of experience in business methods.

Mr. KNUTSON. Some of them hardly dry behind the ears.

Mr. TREADWAY. Now for some of the advantages of the private plans. More liberal benefits are paid. Employees get credit for past service, while under the Federal plan you start in anew. Employees 60 years of age are provided for under the private plan, whereas under the Federal plan they are not. Annuities are paid in true proportion to earnings and service, whereas under the Federal benefit rate they are arbitrary. Many private plans permit joint annuities, giving protection to widows, something not included here.

Mr. Speaker, there is no abler man, perhaps, or better constitutional lawyer in the Senate than the Senator from Georgia [Mr. GEORGE]. Let me quote what he stated in the Senate. He said:

> If the Court looks through mere form to the substance of this bill, I assert again that the question of the validity of the bill is one which no responsible lawyer would undertake to say is not in serious question. Hence, why strike down, with the probably unconstitutional bill, the private pension systems and private benefit systems granting benefits to the employees of employers of this country, embracing a large part of our population—why strike those down when a bill is proposed which probably will not pass the muster of the courts?

It seems to me the experience of the past few weeks in getting decisions on the constitutionality of legislation that has been passed by this Congress and the previous Congress, ought to be a caution, an SOS signal to the people who are forcing what is undoubtedly in the opinion of many able lawyers unconstitutional legislation in the provisions of this act.

The employees are fully protected under the Clark amendment. Private plans must be available to all employees without regard to age. Employees may elect whether they will come under the Federal or the private plan. Benefits under the private plan must be equal to or better than the benefits under the Federal plan.

Contributions under the private plan must be deposited with life insurance companies, annuity organization, or trustees approved by the Social Security Board. Termination of employment, whether voluntary or involuntary, constitutes withdrawal from the private plan. Upon an employee's withdrawal from the private plan the employer must pay to the Federal plan an amount equal to the taxes otherwise payable by the employer and the employee, plus 3-percent compound interest. Upon death of the employee his estate shall receive not less than the amount it would have received under the Federal plan.

The Social Security Board may at any time withdraw its approval of the private plan if it fails to meet its requirements. No financial advantage will accrue to employers who may be permitted to retain their private pension system, since they are required to contribute to the private plan not less than they would pay under the Government plan. For this reason, the continuation of the private pension plans will not result in the discharge of the older employees, as some contend.

So far as this argument is concerned, I might add that a private pension plan would cost the employer far more than the amount of taxes he would otherwise pay to the Federal Government. His chief interest in having a more liberal plan is to provide for his relatively older employees. If he expected to discharge these older employees he would not be asking to have his private system continued. The sincerity of the private employers is demonstrated by the fact

that they are now voluntarily paying pensions to about 150,000 superannuated employees.

The argument that the adoption of the Clark amendment will cause titles II and VIII to be held unconstitutional is based upon the theory that it links the two titles together and discloses their true purpose.

As a matter of fact, it has been recognized all the time that titles II and VIII are tied together, and must be so regarded by any court passing judgment on them.

Other provisions of these two titles link them together, such as the sections setting forth those who are neither subject to the taxes or the benefits. Hence the Clark amendment itself would not make titles II and VIII unconstitutional.

The purpose of this bill is to provide security for the aged, and the Clark amendment permits private employers to make more abundant provision for their employees than the Federal Government proposes to make.

The private company method, as included in the Clark amendment, is better for the employees of those 600 companies than is the Federal Government system proposed to be set up in this bill, as to which you are taking a great chance of a decision that it is entirely unconstitutional. If the private pension plans are broken up by this legislation, and the Federal pension plan is later invalidated, the 3,000,000 employees who are now covered by the private plans will be without any protection. In other words, they have everything to lose and nothing to gain under the Federal plan.

I hope, Mr. Speaker, that the Clark amendment will be adopted and that the motion I made to recede and concur will be the action of the House when the vote comes upon it. [Applause.]

The SPEAKER. The time of the gentleman from Massachusetts [Mr. TREADWAY] has expired.

Mr. DOUGHTON. Mr. Speaker, I yield 10 minutes to the gentleman from Washington [Mr. SAMUEL B. HILL].

Mr. SAMUEL B. HILL. Mr. Speaker, I think it would be well to see just what this act, in its original form, provided for unemployment compensation, and then to examine the Clark amendment and see how one fits into the other or whether there is conflict between the two.

The act as passed by the House provided for a Federal plan to be financed by the levying of taxes upon the employer and upon the employee measured by the pay roll. This money was to be put into the Federal Treasury. It was to enable the Federal Treasury to finance these old-age benefits. If the money were not obtained in this way, we would have to levy other taxes to provide revenue out of which to finance the old-age benefits. The act as passed by the House provides that a man reaching the age of 65 years and having been employed for 5 years or more under employment that comes within the provisions of the act may at the age of 65 and thereafter receive a certain monthly payment called a "benefit" or "annuity." It is evident to you that a man in middle life or approaching old age, who works for 5, 10, or 15 years at an average salary, will not have been able to contribute by his own contributions and by the contributions of his employer in his behalf a sufficient sum of money to finance the annuity to such retired worker; but under the provision of the act no retired worker will receive less than $10 a month, regardless of the fact that he may not have earned in the annuity fund more than $1 a month or even less than $1 a month. He will get an annuity of $10 a month if he comes within this provision and has worked 5 or 10 years only.

Under that provision we are paying to that man an unearned benefit. We are going down into the Treasury to get the money that has not been contributed to the Treasury on his behalf, which money must come out of the general fund of the Treasury, paid in there from tax levies. But we have young men and men in middle life in this category of employment. The young men contribute to the fund and their employers contribute to the fund for them, for a period of 20, 25, or 30, and sometimes 40 years. That money goes into the Treasury. Those young men are not drawing money out of the Treasury during those 20 or 30 or 40 years. So we borrow the money from the money that they pay in, in order to pay these benefits to the older men who are retired after a few years' work. Only in that way can we finance the fund. If we do not have that financial support for the fund, then we would have to go out and levy general taxes to put into the Treasury to pay this money. In the course of a few years it will amount to more than a billion dollars a year paid out in benefits. So that the bill, as it left the House financed itself by the young men carrying, for the first few years, the fund out of which the benefits are paid to the older men, thereby saving the Federal Treasury the necessity of going out and levying general taxes to supplement the Treasury funds for the purpose of financing these benefits.

Now, what does the Clark amendment provide? It provides that the employer, whose employees so choose, may set up an independent pension reserve or benefit system, and be relieved from participation in the contribution to the Federal plan. It means that whenever all of the employees of a private industry chose to go under a private plan, they may contribute to a fund set up by the private industry, and no part of that fund shall go into the Federal Treasury. It means, of course, under the provision of the Clark amendment, that the employer and the employee must pay into that private fund an amount equal to that paid into the Federal fund by others who are not under a private plan. It means that when a worker withdraws from a private plan the employer must pay into the Federal Treasury on his behalf the amount of tax previously paid on his account into the private fund, plus 3-percent interest compounded.

It means that in the case of the death of an employee under the private plan his estate will receive the same amount of money from the private pension plan as it would receive from the Federal pension plan, and that is the amount the employee himself has contributed plus 3-percent interest compounded annually. It does not mean that his estate will get what the employee has contributed plus what the employer has contributed, but only the amount the employee has contributed, and that is the same amount the estate would receive under the Federal plan. But here is the difference: Under the private plan the employer keeps whatever the employer himself contributes to the private plan. Under the Federal plan the amount the employer contributes goes into the Federal Treasury to finance the general compensation fund. It means that under the Clark amendment it would be to the financial advantage of the industry maintaining such plan to employ only young men and not to employ old men, to keep in their employment young men, and as men reach middle age to discharge them, because the companies make their money, they earn their benefit fund, from the contributions of the younger men.

Mr. Speaker, my time is exhausted and I shall be unable to discuss further the Clark amendments and the reasons why they should not be adopted. However, under leave to extend my remarks I submit for the RECORD in support of my contention that the so-called "Clark amendments" would totally wreck and destroy the unemployment-compensation provisions of this act, this memoranda prepared for me giving an analysis of the so-called "Clark amendments" and their effects upon this legislation:

HOW THE CLARK AMENDMENT WOULD WORK OUT

1. Under the Clark amendment existing private-pension plans would either have to be abandoned or fundamentally altered.

From the debate it was evident that many Senators voted for the Clark amendment under the impression that its adoption is necessary to save the existing private-annuity plans. It was not appreciated that all private-annuity plans will have to be radically altered even with the Clark amendment in operation. This is true for the following reasons:

(a) None of the existing plans provides for repayment of the entire amount contributed in behalf of an employee upon his withdrawal from employment. The most liberal of these plans provide for the return to the withdrawing employee of the money he has contributed, with interest. Under the Clark amendment the employer will have to pay back taxes with interest, for all withdrawing employees, which, under the assumptions on which this amendment is based will be equivalent, on the average, to repayment of the contributions of both the employer and the employee with interest. The Clark amendment thus places an additional burden on the existing private-annuity plans and this

will necessitate recalculation of their actuarial basis, with either increases in contributions or reductions in benefits.

(b) All existing plans allow annuities only after employment for a relatively long period of time—a majority of them for periods of 20 to 25 years. Such plans certainly cannot be regarded as being as liberal as the Federal old-age-benefit plan. They will, consequently, have to be revised in this respect. This will again affect the financial basis of these plans and necessitate changes in contribution rates or benefits.

(c) Many of the existing plans have no reserve or only very inadequate reserves. Many more are not irrevocably funded.

(d) Many plans do not pay as liberal benefits on retirement as does the Federal plan, even to employees who have long been with the company. Few, if any, plans pay as liberal benefits for employees who are with the company only for periods of less than, say, 20 years.

The changes which the Clark amendment will necessitate in private annuity plans are extensive and fundamental. Without the Clark amendment most employers, as a practical matter, will wish to reorganize their annuity plans, although they are not legally compelled to do so. But it will be no more difficult to reorganize existing private plans to give benefits supplemental to the Federal plan than it is to revise these plans to conform with the Clark amendment.

2. Under the Clark amendment it will be of advantage, both to the older employees and to the employers, for present older employees to come under the Federal old-age-benefits plan, while the younger employees will be covered by the private annuity plans.

The annuities payable under title II are a percentage of the earnings of the employees after the taking effect of the Social Security Act. The percentage of the earnings on which the annuities are based is materially greater where the total earnings are small than where they are large.

Present older employees will have small total earnings because they will be under the system but a few years. They will consequently get much larger benefits than their own contributions and those of their employers would buy from insurance companies.

All private annuity plans are constructed on precisely the opposite principle. Most of them give no benefits at all to employees who have not been in the employ of the company for a very long period of years, most commonly 20 to 25 years. None of them favors employees who are under the system but a short time.

Under the Clark amendment the employees may elect whether they wish to come under the private annuity plan or under the plan of Federal benefits. Since the social-security bill gives such a distinct advantage to employees who are in the system only a short time—as will be at present all employees now past middle age—it is very evident that these employees will elect to come under the Federal plan. It is to their own interest, as well as to that of the employer, that they should do so. Under the circumstances it is almost certain that substantially all employees who are past middle age when the Social Security Act takes effect, or when a new private annuity plan is inaugurated in the future, will come under the Federal system while the younger employees will be covered under the private annuity plan.

3. Under the amendment it will be to the advantage of the employer to hire only men in the younger age groups.

It needs little explanation that the contributions can be less to pay the same annuity to a man who remains in an annuity system a long number of years than to one who remains in the system but a few years. The cost of an annuity of $1 per annum, beginning at age 65, purchased at insurance company rates, is approximately $1.8622 at age 22; $2.1827 at age 27; $4.2710 at age 47; $6.4757 at age 57.

With such greater costs for older-age groups, it is very evident that an employer can provide benefits as liberal as those of the Federal plan at a much lower cost, if he pursues the policy of hiring only men in the lower-age groups. Employers do not have to discharge employees when they grow old to get this advantage. All that they have to do is to establish a low hiring age limit. Many employers now have such low hiring age limits. The Clark amendment will very materially increase the tendency toward the adoption of such hiring age limits.

4. Employers with private annuity plans will derive great financial advantage through all deaths of employees before reaching retirement age.

Approximately 75 percent of all persons entering industry die before they reach age 65, which is the retirement age in title II and under most private annuity systems. Whenever an employee dies, his estate is to get, under the Clark amendment, at least as liberal benefits as under title II. Under title II the benefits payable on the death of an employee will on the average equal the contributions made by the employee himself, with 3 percent interest. The estate will not get back the contributions of the employer. In the Federal system the saving which thus results goes to the employees who survive until they reach retirement age. Under the Clark amendment this saving will go to the employer.

5. The Clark amendment will wreck the financial basis of the Federal system.

The taxes collected under title VIII of the Social Security Act will in over a long period of time equal the benefit payments that will have to be made under title II. This actuarial balance, however, will be possible only on the assumption that all industrial workers will be brought within the Federal plan. As has been noted above, the Clark amendment will operate to take out of the Federal plan many of the younger industrial workers, while it will give an excessive percentage of the older workers to the Federal system. Under title II the taxes paid by and for the benefits of the older workers will not equal the benefits paid to them, while the taxes paid on the earnings of the younger workers will exceed these benefits. Consequently, through covering a large percentage of the younger employees in the private annuity plans, the financial basis of the Federal system will be wrecked. The benefits provided for the older workers can in that event be paid only through increases in the taxes upon employers who remain within the system or through large governmental contributions.

The same effect is produced through the fact that under the Clark amendment the Federal plan will not get the advantage of the employers' contributions in the event of the death of employees before reaching age 65. This will affect approximately 75 percent of all employees who will be brought under the private annuity plans, and will cause an immense loss to the Federal system.

6. This amendment will greatly increase the difficulties of administering titles VIII and II.

Under the amendment not all employees and not all employers of plants having approved private annuity plans will be outside of the Federal system. Employers will have to pay taxes on those of their employees who are not under their private annuity plan. Without private annuity plans, the tax collection is quite simple, as the Treasury has to pay attention only to the total of the employer's pay roll. Under the Clark amendment it will have to check the individual employees on the pay rolls, immensely increasing the difficulties of collection.

Other difficulties result when employees leave the employment of an exempted employer or otherwise withdraw from his private plan. In that event back taxes have to be paid, and these may be due for many years. This involves going into all pay rolls during the period while the withdrawing employees were with the plan, assuming that such pay rolls have been preserved. There is nothing in the amendment, however, to require that the pay rolls shall be kept any particular time, and if pay rolls are no longer available it will be still more difficult to ascertain the back taxes that are due. The great majority of all employees who come into the employment of an exempted employer are certain not to remain within the employment until age 65, so that this problem of computing the back taxes will be one which will recur in many thousands (perhaps millions) of cases annually.

7. Only relatively large plants can set up private annuity plans.

Of the employees covered under existing private annuity plans, 30 percent are with companies that have over 100,000 employees; 70 percent with companies having over 25,000 employees; and 98 percent with companies having over 2,000 employees. A small employer cannot take advantage of the Clark amendment. It is one which in practice will be a special privilege to the large employers only.

RESPECTS IN WHICH THE CLARK AMENDMENT IS EXTREMELY VAGUE

1. It is not clear in this amendment whether the private annuity plans must be as liberal as the system of Federal old-age benefits under title II of the Social Security Act for all employees, regardless of age or length of employment, or only whether the plan must on the average give as liberal benefits as those provided under title II.

This is a very important point. A private annuity plan may very well give more liberal benefits than the Federal plan for the great majority of employees and yet give no benefits at all, or very inadequate benefits, to the older employees and those who are with the company only a very short time. Most of the existing plans give benefits only to employees who have been with the company for 20 to 25 years. To such employees more liberal benefits can be given than under the Federal plan, and yet the effect of such a private annuity system would be to dump all of the relatively short-time employees on the Federal system, and it is for these employees that the annuities under the Federal plan are most costly.

2. There is no requirement that the contributions to the private annuity plan must be irrevocably earmarked for the payment of pensions or that pensions once granted must be continued throughout the life of the pensioner.

The amendment provides that the contributions must be deposited with a life-insurance company, an annuity organization, or a trustee approved by the Board. There is nothing to prevent the employer from terminating his plan at any time; in fact, it is provided that the board shall withdraw its approval of a plan whenever the employer so requests. When this occurs, there is nothing to guarantee that employees already retired will continue to receive their pensions. The employer must pay back taxes for the employees then in his employ, but any balance remaining in his fund belongs to him.

3. No control is vested in the social security board over contracts which the life-insurance companies, annuity organizations, and trustees make with employers maintaining private annuity plans.

The provisions of these contracts are very material for the adequate protection of the rights of the beneficiaries, but it is at least doubtful under the amendment whether the board can refuse to approve a life-insurance company, an annuity organization, or a trustee because it does not believe that the contract made with the employer adequately protects the employees.

4. No safeguards are included which will make it certain that the Government will be able to collect the back taxes which become payable upon withdrawals from the plan or its complete termination.

Withdrawals will occur in a majority of all cases, since most employees do not remain with one employer throughout their entire industrial life. Likewise, there will be numerous instances

in which employers who have established private annuity plans will go out of business or for other reasons discontinue their plans.

For these reasons, it is certain that employers will have to pay large amounts in back taxes. There is no provision in the amendment under which employers are required to set up reserves for the payment of back taxes. The annuity fund must be deposited with a life-insurance company, an annuity organization, or a trustee, but there is nothing in the amendment which provides that the annuity fund shall be available for the payment of back taxes. Further, an annuity fund may be exhausted and no money may be available for the payment of back taxes.

I. FURTHER COMMENTS ON THE CLARK AMENDMENT

1. The Clark amendment provides adverse selection against the Federal system. While the requirement that the employer and employee pay an equal amount of taxes into the private fund prevents the employer from reducing his payments below the level of the taxes, nevertheless, it is almost certain that the Government fund will be loaded with all the older employees and find it impossible to pay the scale of benefits specified out of the taxes provided in title VIII. When a deficit occurs in the future, the rates in title VIII will have to be adjusted upward or the Government will have to subsidize the system out of general-tax revenues.

2. As was pointed out in the debate on the floor of the Senate, this amendment seriously threatens the constitutionality of title VIII. This exemption is wholly different from the other exemptions in the title. It taxes employers who fail to set up an approved annuity system and falls squarely under the language of the Supreme Court in the Child Labor Tax case holding the so-called "tax" in that law a penalty because "it provides a heavy exaction for a departure from a detailed and specified course of conduct of business."

In order to save title VIII from being held unconstitutional, it would appear imperative either to throw out this amendment altogether or to change it from an exemption of the tax to a payment in title II to such employers.

3. There is nothing in the Clark amendment which will effectively prevent employers from placing all their older employees on the Government fund and retaining in their own fund the younger employees. They could even cause employees to change from one fund to another at any future time, if such change became advantageous to their own fund. For example, if one of their employees were due to retire within a short time, and the contributions paid in on his behalf were less than the actuarial equivalent of his annuity rights, he could be induced to elect the Government system. It is almost a certainty that private employers in the future would keep in their own fund only those employees who would be profitable to the fund. In this way these employers and their younger employees would shirk all responsibility for the older employees—even those within the employment of the particular fund. Obviously this will have to be corrected.

4. Under the Clark amendment, practically every employee of a private employer having an approved retirement plan would be entitled, when he retired, to draw two benefits—one from the private plan, one from the Government for employment other than under such employer. Practically no employees would have worked for a single employer for a lifetime. This would result in these employees drawing larger benefits than they would be entitled to if they were under only one system. For example, suppose an employee with an average salary of $1,000 annually were employed for 10 years in employment under the Government fund and 10 years under a private plan just before retirement. He would be entitled to receive a monthly benefit of $20.83 from the Government and an equal amount from the private plan, making a total of $41.66 a month. But if he had remained continuously under either the Government or the private plan, he would be entitled to draw a monthly annuity of only $29.17. In other words, this employee would receive a pension of $12.49 per month greater than he would otherwise be entitled to. This would constitute a heavy drain upon both funds. The private employer may escape such extra cost by refusing to employ older persons, who have been previously employed with other employers, but the Government cannot so protect itself.

The results which will inevitably flow from this defect will be the absolute refusal of companies with private plans to employ older or even middle-aged workers, except under the condition that they elect the Government plan. This will be difficult to do. It is prohibited in the law, and the employee will recognize that it is to his advantage under the circumstances to elect the private plan. The result will be a refusal by the employer to take on any but very young employees.

5. The Clark amendment provides a very great incentive for employers with private plans to employ only younger persons and to discharge their older employees. By escaping their just share of the cost of annuities for the older persons, such employers in the future will be able to pay much larger annuities than provided in the Government plan. It is well known that in the long run retirement allowances become a component part of salary. The larger the retirement allowance, the lower the salary which is necessary to pay to retain employees. This is well known. Many illustrations could be cited. Employers with private plans will profit almost as much by being able to pay larger benefits as if they were permitted to reduce their contributions.

Under further leave to extend I here submit, as part of my remarks, the following statement by J. B. Glenn:

ALLOWING THE ADOPTION OF THE CLARK AMENDMENT WOULD RESULT IN AN ULTIMATE COST OF BILLIONS OF DOLLARS TO THE FEDERAL GOVERNMENT

To pay benefits scheduled under title II to those who will be entitled to benefits during the earlier years of the Federal annuity system, the Federal Government will deliberately incur a huge deficit of many billions of dollars. This is chiefly because the older workers will receive in annuities much more than the total taxes paid by them and by their employers on their behalf.

The plan is so designed, however, that this huge deficit is gradually wiped out by the profits the Government will make on the annuities of younger workers. The deficit will be eliminated because the tax paid by the employers of younger workers and by the younger workers themselves will more than suffice to pay the benefits to these young workers.

For example, take the case of a young worker, earning $100 per month and entering the system in 1949, at 24 years of age. The profit to the Government from his contribution of $36 per year and his employer's contribution of $36 per year, will be $24 per year, because the sum of $48 per year would be enough to purchase the benefits which he will receive under the bill.

Suppose there are 5,000,000 of these young workers ultimately absorbed in private pension plans. The Federal Government will annually lose $24 for each such worker in these private plans, or $120,000,000 per year. This is part of the profit which was calculated to offset the deficit incurred in the earlier years of the plan and to make the plan actuarially sound. The loss of this profit would make it necessary for the Federal Government to make up this sum from other sources in order to meet its obligations under title II.

J. B. GLENN,
Fellow of the Actuarial Society of America, Fellow of the American Institute of Actuaries, Fellow of the Casualty Actuarial Society.

Mr. DOUGHTON. Mr. Speaker, I yield 10 minutes to the gentleman from Maryland [Mr. LEWIS].

Mr. LEWIS of Maryland. Mr. Speaker, I must begin by confessing that I have little to contribute after the discussion we have had by Congressman HILL except my deep conviction of the ill wisdom, indeed of the very destructiveness of the Clark amendment. I am not alone in this opinion. May I give you the advantage for a minute of the result of a comprehensive and responsible study of the whole subject of private industrial pension systems? Observe these two large volumes entitled "Industrial Pension Systems." These books represent the investigation of an economist and statistician, Dr. Latimer, who undertook this work, just published in 1933, at the instance of the Industrial Relations Counselors, Inc. This board's purpose, so far as I can gather, would resemble in a general way the Brookings Institution, with whose contributions you are doubtless familiar. Its membership consisted of Raymond B. Fosdick, chairman; William B. Dixon; Ernest M. Hopkins; Cyrus McCormick, Jr.; John D. Rockefeller, 3d; Arthur Woods; and Owen D. Young.

Now, let me read the conclusions of this very eleborate and responsible study:

By and large the bulk of industrial pension plans in the United States and Canada are insecure; first, because of inadequate financing; second, because of lack of actuarial soundness, even in those cases where some funds have been provided; third, because of failure to provide proper legal safeguards both in connection with funds and with the preservation of rights for employees; and, fourth, because of the absence of definite administrative procedure for carrying out the terms of the plans. Unless the policies pursued by most companies at the present time are changed, there is not much hope for improvement (p. 902).

And then a sentence which appears a little farther on in the book:

The voluntary provision of complete old-age security by industry under a business economy in which the criterion of success and the condition of continuous existence is profits, inevitably involves inescapable contradictions (p. 945).

Mr. COLE of Maryland. Mr. Speaker, will the gentleman yield at that point?

Mr. LEWIS of Maryland. I yield for a very brief question.

Mr. COLE of Maryland. As I understand the Clark amendment, it subjects all private retirement systems, both as to conditions of retirement supervision and the investment of the funds to the board created under this act.

Mr. LEWIS of Maryland. That is true, but the fact lacks significance. Such control is of nominal value only after these interests have been allowed to chisel in and appropriate the low-cost employees, leaving the high-cost employees on the Government fund.

If anybody in the United States can speak on this subject with an assurance of sincerity and, indeed, with a high degree of guaranteed knowledge, it is the president of the American Federation of Labor. In a circular letter received this morning, I find him stating:

Labor is very much exercised over this amendment, as it exempts private annuity plans conducted by employers. Anyone who is well acquainted with the reasons for creating these private annuity plans and the suffering that follows could not for a moment approve that amendment.

I jump several paragraphs of his letter:

Now, therefore, in the name of the organized wageworkers of the United States, as well as those unorganized, I wish to appeal to you to vote against incorporating in the social-security bill the Clark amendment.

Mr. VINSON of Kentucky. Mr. Speaker, will the gentleman yield?

Mr. LEWIS of Maryland. Yes.

Mr. VINSON of Kentucky. The gentleman has given much thought to this subject. I wish he would discuss, if he will, the effect of the Clark amendment on persons 45 years of age and over.

Mr. LEWIS of Maryland. It is perfectly apparent in entering into any annuity system like this, Mr. Speaker, that those who enter early would need to pay but a very, very small annual subscription to build their annuities payable to them 30 or 40 years later. In the complete wage-annuity system provided by this bill it is also perfectly apparent that those who enter it older would have to pay much larger subscriptions. The bill provides a flat rate of subscription on all to build a fund adequate to take care of young and old.

Under the Senate amendment the employer by "contracting out" with insurance companies could get much lower rates for young employees, with the result that young persons would be preferred for employment. They attempt to meet this self-evident objection by referring to the following proviso in the amendment:

Provided, That no employer shall make election to come or remain under the plan a condition precedent to the securing or retention of employment.

I pronounce this the grand mockery of our age, that the employees are to have the right to elect, forsooth, under the amendment.

Does anybody believe for a moment that it would confer a real power of election upon the laborers of the United States? I have labored myself for many years. There never was a moment in all of my experience when I had the election as to any condition of my employment; and none will be effectually carried here. I do not complain. Doubtless my employers felt they had to have uniform rules, but they made them, and they left me no election. The youngsters now are already under a high preference. You know about the age limit of employability at 45. The youngsters already under preference are going to have their preference magnified. Because as they may cost the employer but 1 percent on wages while the older case 3 percent the older ones are going to be dismissed at the gate.

Mr. Speaker, the working men and women over 45 years of age are already under a deathlike discrimination in the United States today. I had occasion to state the other day that we had started a new class in America, which I christen "America's untouchables."

They are the men, and who without a day in court are rejected and dismissed at the gate because they are 45 years of age. Would you add by this amendment an additional inducement to competing employers to accentuate this monstrous evil even as against those who are now employed? If we cannot do justice to them, let us pity, at least, these old men and women who are thrown on the scrap heap by industry because their arms are no longer strong enough or swift enough to turn its great wheels in the competitive struggle. This is not an amendment intended to reward pioneer employers who, on their motives of humanity, had organized their systems. If that were the motive of the amendment, it would apply only to a company found conducting such a system on the 1st day of January 1935 and in successful operation for a number of years, which, on qualifying with the Board, might be treated as an exemption. [Applause.]

[Here the gavel fell.]

EQUITY AND JUSTICE IN THE PAYMENT TO THE PHILIPPINE GOVERNMENT FOR LOSSES IN ITS CURRENCY RESERVES

Mr. DELGADO. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein a joint statement to the Senate Committee on Appropriations made by the Philippine Resident Commissioners in the United States.

The SPEAKER. Is there objection to the request of the Resident Commissioner of the Philippine Islands?

There was no objection.

Mr. DELGADO. Mr. Speaker, in connection with the second deficiency bill for the fiscal year 1935, I think all Members of Congress are entitled to know the Philippine government's side with reference to the item of $23,862,750.78 due said government as part of its currency reserves. For that reason, Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following joint statement of the Philippine Resident Commissioners to the Senate Committee on Appropriations:

To the Chairman and Members of the Senate Committee on Appropriations:

On behalf of the government of the Philippine Islands and the Philippine people whom we have the honor of representing, and agreeable to your suggestion made to us yesterday during our personal appearance before your subcommittee, we respectfully petition your committee to insert in the second deficiency appropriation bill now before you an item of $23,862,750.78 as payment to the government of the Philippine Islands as part of its currency reserves. This item has been recommended in the Budget submitted by the Treasury and War Departments.

In support of this petition we respectfully urge upon you the equity and justice of this payment, as will be gathered by the following:

PAYMENT PROMISED BY CONGRESS

On June 19, 1934, the President of the United States approved an act known as "Public, No. 419", of the Seventy-third Congress, the pertinent provisions of which follow:

"That the Secretary of the Treasury is authorized and directed, when the funds therefor are made available, to establish on the books of the Treasury a credit in favor of the treasury of the Philippine Islands for $23,862,750.78, being an amount equal to the increase in value (resulting from the reduction of the weight of the gold dollar) of the gold equivalent at the opening of business on January 31, 1934, of the balances maintained at that time in banks in the continental United States by the government of the Philippine Islands for its gold-standard fund and its treasury-certificate fund, less the interest received by it on such balances.

"SEC. 2. There is hereby authorized to be appropriated, out of the receipts covered into the Treasury under section 7 of the Gold Reserve Act of 1934, by virtue of the reduction of the weight of the gold dollar by the proclamation of the President on January 31, 1934, the amount necessary to establish the credit provided for in section 1 of this act.

The above act was passed as an expression of the American Congress following a complete and exhaustive investigation into the merits of the proposal. We respectfully submit for your consideration a review of the record of the hearing on H. R. 9459 which preceded the enactment of Public, No. 419, Seventy-third Congress, and which hearing was conducted by the House Committee on Insular Affairs.

The bill was reported by the committee of the House and later by the committee of the Senate without a single dissenting vote and was passed by Congress with overwhelming support. No phase of the question was left unexplored by the committees of the House and Senate prior to the passage of that act, and it is noteworthy that not a single witness appeared in opposition to the justice or equity of that proposal. A substantial majority of the Members of the Congress which enacted that measure are Members of the present Congress.

Your petitioners, therefore, feel that unless there are circumstances and conditions to which our attention has not been called which militate against the immediate appropriation of the funds proposed in this congressional act, we are in this petition only asking that the American Congress make the appropriation which it has already authorized in the language of Public, No. 419 "when the funds therefor are made available."

CONDITIONS NOT CHANGED SINCE PASSAGE OF ACT

Since President Roosevelt under date of May 7, 1934, recommended to Congress the authorization of the payment to the Philippine Government no circumstance or condition has changed the basis upon which the President's recommendation was made or the principle underlying the action of Congress in respect thereto.

President Roosevelt's letter addressed to the Chairman of the Senate Committee on Banking and Currency follows:

THE WHITE HOUSE,
Washington, May 7, 1934.

Hon. DUNCAN U. FLETCHER,
Chairman Committee on Banking and Currency,
United States Senate, Washington, D. C.

DEAR SENATOR FLETCHER: With the approval of the United States, the government of the Philippine Islands has for many years maintained in banks in this country the major portion of the currency reserves of its monetary system, and has always considered these deposits the equivalent of a gold reserve.

The effect of my proclamation of January 31, 1934, was not only to reduce, in terms of gold, the value of these currency reserves, but indirectly to devalue, in terms of gold, the entire currency circulation of the Philippine Islands. The United States enjoyed an increase in the value of its currency reserves corresponding to the decrease in the value of the dollar.

As the Philippine currency is interlocked with the United States gold dollar under laws enacted by the United States Congress, it would be equitable to reestablish the Philippine currency reserves on deposit in the United States at their former gold value as of January 31, 1934.

I am advised that S. 3530, now under consideration before your committee, is designed to accomplish this purpose.

I recommend its enactment.

Very sincerely yours,

FRANKLIN D. ROOSEVELT.

Everything stated in the letter of the President is just as true today as it was in May 1934. The proclamation of January 31, 1934, did in fact reduce, in terms of gold, the value "of these currency reserves" and did devalue, in terms of gold, the currency circulation of the Philippine Islands. That condition maintains. Nothing has corrected it.

Philippine currency is interlocked with the United States gold dollar, as the President so clearly stated, under laws enacted by the United States Congress, which laws are still in full force and effect.

Nothing has removed any of these conditions upon which the President declared "it would be equitable to reestablish the Philippine currency reserves on deposit in the United States at their former gold value as of January 31, 1934."

SENATE COMMITTEE HAS ACTED

Your attention is respectfully invited to the following portion of the report of the Senate Committee on Insular Affairs in connection with S. 3530, the Senate bill which ultimately became Public, No. 419:

"The experts of our Government have decided that the credit of $23,868,750.78 is just, equitable, and fair, and the committee feels that no great government can do less than what is proposed in this bill for its dependent people. It is in no wise suggested that any and all funds on deposit in this country to the credit of individuals and the insular government, over and above the funds actually held as currency reserve funds, should be enhanced in value by an act of Congress.

"Coincident with the Independence Act, a refusal on the part of the American Government to meet its moral obligation in readjusting the currency reserves of the insular government, the value of which is interlocked with our own monetary system, is inconceivable. Such refusal would be an omission unworthy of a great Government and of the Congress, on whom this responsibility now rests."

The "moral obligation in readjusting the currency reserves of the insular government" to which the Senate Committee referred, is, in the absence of any changed conditions or circumstances, as compelling today as it was at the time the Senate Committee so conclusively declared its position. There remains only the moral obligation to carry out the moral obligation agreed to.

LOSSES INCURRED BY PHILIPPINE GOVERNMENT

Nothing could be more conclusive as to the factual circumstances surrounding losses to the Philippine government as a result of the President's proclamation than the following comprehensive statement contained in the report of the Senate Committee on Insular Affairs (Rept. No. 1209, 73d Cong.):

"On January 31, 1934, the insular government had on deposit in American banks $56,276,056.92, a fund constituting the major portion of the currency reserves of the Philippine government, on which the circulation of the insular government is based. This fund, deposited in dollars, has always been considered as the equivalent of gold. Applying the same revaluation as given the United States gold dollar by the proclamation of the President, this fund now amounts to $95,282,398.87, or an increase, had the fund been in actual gold, of $39,006,341.95.

"It is obvious that any change in the value of our dollar automatically changes in the same proportion the value of the peso, the standard unit of value in the Philippine Islands. It is also obvious that the Presidential proclamation of January 31, 1934, in effect, expanded the currency reserves of the United States, but contracted the reserves of the Philippine government, since the Philippine reserves are in dollars.

"In a conference between officials of the Treasury Department, the Bureau of Insular Affairs, acting for the Secretary of War, and the Budget officer, it was decided that the full amount of this credit should not be given to the reserve fund of the insular government, but from this $39,006,341.95 should be deducted $15,143,591.17, the interest which has accrued to the insular government since January 1923. This leaves a balance of $23,862,750.78, which, it is thought by the President and the above-named officials, represents the sum which should be credited to the Philippine government on the books of the Treasury in order to restore the gold value of the Philippine currency reserves as of January 31, 1934.

"When the gold content of the United States dollar was diminished we took credit on our books for approximately $2,811,013,126. Had the insular government had on deposit on the date of the above-mentioned proclamation gold bullion or actual coins as their currency reserve, there would have been no need for this legislation or any adjustment, for the reason that their gold would have increased in value, as did the United States gold.

"During the fall of 1932 the government of the Philippine Islands made representations to this Government with a view of including specific stipulation in the depository agreements that withdrawal of its currency reserve funds should be in gold coin of the United States at the election of the Philippine government. The Secretary of War through the Bureau of Insular Affairs, acting for this Government, stated that he did not 'deem as expedient the amendment of the depository agreement as suggested by the Philippine government.'

"In March 1933, 10 months prior to the President's proclamation, other representations were made on the part of the Philippine government seeking the assurance that deposits of the Philippine government in the United States stand on an equal basis with the deposits of the United States Government and recommended that all deposits of the insular government, except $10,000,000 required for ordinary expenses, be deposited in the Treasury of the United States. Under conditions obtaining in this country in 1932 and 1933, the officials of our Government deemed it inadvisable to accede to any of these requests, although the Philippine government had every right to make these requests and to expect them to be granted."

Not only does the above statement of the Senate committee establish the loss to the Philippine government resulting from devaluation, but it clearly establishes the equities involved in the claim of the Philippine government which Congress promptly recognized by the passage of the act of June 19, 1934.

COOPERATION OF PHILIPPINE GOVERNMENT

The Governor General of the Philippine Islands on June 29, 1933, after reviewing the financial and monetary affairs of the Philippine Islands and with a view to future developments in respect thereto, officially requested:

"That our gold standard and Treasury-certificate funds be converted into gold coin of the standard existing at the time these deposits were made with the depository banks; this coin to be deposited in the United States Treasury or Federal Reserve banks and authority of the President secured to earmark it for their account, by amending the Executive order of April 5, 1933 (which was the first order of the President restricting the circulation of gold). There will be, however, no necessity for withdrawing the above-mentioned deposits from the present depository banks at this time if it is possible to obtain Government assurance that conversion into gold of the standard existing as above outlined, may be at a later date."

Here was an expression of the Governor General anticipating those necessary changes which would place the Philippine reserves in a position of security in the face of any subsequent order or proclamation.

Between June 29, 1933, and January 17, 1934, as pointed out in the Senate report, numerous cables were forwarded by the Governor General of the islands expressing the concern of the islands and stressing the necessity for assuring the gold content of the Philippine reserves on deposit in the United States.

These were supplemented on January 15, 1934, by a letter from the acting secretary of finance of the Philippine Islands addressed to the Secretary of War, in which was reiterated the desire of the Philippine Government that its deposits be treated by the United States Treasury as deposits of coined gold.

The request was sent to the Secretary of the Treasury by the Secretary of War on January 17, 1934.

Finally on January 17, 1934, 2 weeks prior to the President's proclamation, the following cable was sent by the Governor General to the Secretary of War:

"Referring to telegram from this office June 29, no. 212, in particular, as well as other previous cables pertaining to Philippine currency. Have you further information relative to earmarking in gold Treasury certificates funds and the gold-standard fund? Believe allotment of gold to these funds on the basis of present gold content is but fair to Philippines, thus granting Philippine government same advantage as United States in reduction of content of gold dollars backing gold-standard fund and Treasury-certificate fund. Am exceedingly anxious to receive definite decision."

All of the above was reviewed in the report of the Senate committee before enactment of the act of June 19, 1934, recognizing the justice and equity of the payment to the Philippine government.

The Senate committee on the basis of circumstances, conditions, and acts as above referred to, concluded its report as follows:

"At any time, following these representations, prior to January 31, 1934, the Treasury Department could have lawfully sold to the Philippine government gold in the amount of their currency reserves on deposit in the United States at the old value of $20.67 an ounce, or could have authorized the earmarking of gold to be

paid for by the Philippine government with the funds on deposit in the United States. This, however, was not done, although the insular government from time to time has been given assurance by our officials that their interests would be equitably adjusted."

"Our Government, not having acceded to these suggestions and requests, is certainly morally obligated to expand the base of the currency reserves of the dependent government, and to do so without further delay in order to avoid further possible domestic and international financial complications.

"It should be borne in mind that we are dealing in this bill exclusively with the currency reserve funds of the Philippine Islands, and that question should not be confused with the question of individual transactions between the people of the two governments.

"In the case of the Filipino people, they have been forced to take the personal loss—their gold has been turned in, just as was the gold of our own citizens—but no benefits will accrue to them or their government until the value of their gold reserve is reestablished by the Government of the United States. In the case of our own citizens, while the individual may not have been credited, nevertheless, the credit goes to the Federal Government or the whole of the American people, each State, of course, having the same currency system as the Federal Government. It is quite certain that if any State had a separate monetary system tied in with the national money by an act of the Federal Government, the government of such a State would undoubtedly have the same rights and equities as are sought to be established by this bill.

"The Philippine National Bank now owns Liberty bonds and other obligations of our Government amounting to approximately $17,000,000. Likewise, many American securities are held by individual Filipinos. Those obligations will be paid, not in gold, but in legal currency, which means that they will be paid with a devaluated dollar. It should also be stated that the insular government has outstanding bonds of the Manila Railroad payable in pounds, guilders, and Swiss francs. In amortizing these bonds in foreign currencies, due to the difference in exchange as a result of the action of the American Government in revaluing its money, a loss of approximately $10,000,000 will be sustained by the insular government. Surely no one can fail to see the inequity in a failure of our Government to make the insular government whole in a loss occasioned by our own action."

Your attention is directed to supplemental statements of General Cox, Chief of the Bureau of Insular Affairs, on pages 15 to 23 of the hearings of the House Committee on Insular Affairs on H. R. 9459, and to the statement of Lt. Col. Edward A. Stockton, Jr., of the Bureau of Insular Affairs, as contained in the hearings of the House Committee on Appropriations on the second deficiency appropriation bill (pp. 426–427), and to the statement of Mr. Laylin (ibid.) in support of the equities involved in the claim of the Philippine government, all of which stand undisputed in the record.

CONCLUSION

The loss sustained by the Philippine government is definitely established in the depreciation of its currency reserves level due the devaluation of the dollar as a result of the President's proclamation in the amount of $23,862,750.78 after deducting the interest received by it on its deposits prior to January 30, 1934. The loss so incurred would have been avoided had the recommendations of the Philippine government through its designated officials been accepted by the American Government, but which recommendations were not put into effect. When the American Congress was presented with the facts in relation to these matters it solemnly expressed its moral obligation in an act of Congress approved by the President of the United States on June 19, 1934.

Every official of the American Government conversant with or a party to the financial relations of the American Government and the government of the Philippine Islands has recommended the payment of the obligation represented in the claim of the Philippine government.

Your petitioners respectfully submit that in the face of the uncontroverted record, the recommendations of the President of the United States, the recommendations of all public officials conversant with the subject matter, and the solemn act of Congress admitting the moral obligation involved, there is nothing left for the consideration of your committee than the actual appropriation of the item requested.

Conditions and circumstances have not changed. The injury to the Philippine government resulting from the order of the President of January 31, 1934, revaluating the dollar and the equity of the Philippine government to a portion of the "profit" gained by the United States Government as result of the Presidential order, have been clearly established. Your petitioners urgently request your serious consideration of the matters herein related and your favorable action thereon.

Very respectfully submitted.

PEDRO CUEVARA,
F. A. DELGADO,
Philippine Resident Commissioners in the United States.

SOCIAL-SECURITY BILL, 1935

Mr. DOUGHTON. Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. MEAD].

Mr. MEAD. Mr. Speaker, I am very much concerned with this amendment, and, as one who has been closely identified with industrial pension plans, I trust that this House will instruct the conferees to reject the so-called "Clark amendment."

The particular reason for my objection to the amendment is that it initiates the Federal system with the worst possible obstacle that we can put in its path. Ever since the creation of the State and private systems there has been a necessary tightening up on the part of industrialists in regard to the appointment of men over 40 years of age. It is a pathetic state to have a constituent of the age of 40, 45, or 50 call on you and tell you his tale of woe as to how he tramped from one industrial plant to another pleading for work, only to be denied the opportunity because his employment would put an increased load on their retirement system. Therefore, for the sake of the aged who are the primary objects of this bill, we ought to eliminate the Clark amendment, and give the Federal system a most appropriate opportunity to display its relative merit.

May I say one other thing from the record? Only 4 percent of the men who are covered by private systems are eventually retired by such systems. Recurring seasonal and cyclical depressions find the aged laid off first. The youthful employees are returned to work first, and in many instances the aged are permanently separated from their jobs and their pensions. Under the Federal system it makes no difference whether you are 20, 40, or 60 years of age, the cost is uniform and does not vary. It would be just as advantageous for an employer in a private plant to employ a man 40 as it would to employ a man 20; but under the system permitted by the Clark amendment it would be to his distinct advantage to employ younger men and to discharge older men. That would be the result of a dual system of pensions.

Private pension plans will have the youth of the country enrolled in their systems, and as men become aged they will have to find a haven of refuge in the Federal plan, and therefore we will be spending more money; we will have the most difficult class to protect, and the private pension plans in protection of their own systems will constantly load the Federal system with the aged workers of the country.

I plead not so much for the pension plan as I plead with you this afternoon for the aged workers of our country; and I say to you, no matter what promises may be made by the proponents of this amendment, the history of our experience with the industrial pension plans during the last quarter of a century indicates that the aged have been penalized and have been taken out of permanent employment and cast upon the scrap heap of life there to depend upon the charity of the Government. Therefore, in justice to the aged and in justice to this plan that we are initiating, let us vote down the Clark amendment and give some hope to the aged, the tragic victims of this machine age. [Applause.]

Mr. DOUGHTON. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin [Mr. SAUTHOFF].

Mr. SAUTHOFF. Mr. Speaker, I am opposed to the Clark amendment and I trust that the motion now before the House will be voted down.

The main factor for any concern or any employer in considering what particular annuity system he is going to adopt is the cost of the system. The two prime factors in creating cost are, first, the age of the employee, and, second, the wages of the employee. If it is to be within the control of the private employer what system he is to adopt, naturally he is going to try to reduce these two factors so as to make his cost less by, first, cheaper labor, and, second, younger employees. In this way he can shut out the higher paid labor and he can shut out the older men in the industry. This is exactly the same thing that has been worked, and is being worked today, by department stores and chain stores in the hiring of girls. They hire them on a graduated-scale system. If you work 5 years, you get a raise in pay; if you work 10 years, you get another raise in pay; if you work 15 years, you get a third raise in pay; but before they get to the 10-year period they are let out, and a new crop is constantly coming in. Automatically they are debarred from higher increases in pay. Fire them and you are rid of them. This is the answer, and when these girls go out to seek other jobs in other places they cannot find them. As they grow older it becomes increasingly more difficult to secure work, and thereby increases unemployment.

Besides these two main factors, age and wages, there are some other factors which appeal to me and which I hope you will consider. One of these is when an employee quits and gets a better job, or when he is let out and finds other employment, he starts paying in on his new job, but what happens to what he has already paid in on the old job? In many instances, in fact in most instances, these private systems are under trusteeships, and they are not even protected from claims in case of bankruptcy. In one instance in which I was the attorney I attempted to protect such fund as a preferred fund. The court held there was nothing in the contractual relation that made it a preferred fund, and held that it was commingled with the general assets of the bankrupt concern, and was therefore liable to the debts of the bankrupt concern and that this was not a preferred claim.

It has been mentioned here that many of these firms will take up insurance. Of course they will. They will take up insurance for those over 40 and have a private system for those under 40, because there is nothing in the Clark amendment that provides they cannot set up two systems in one plant. They will take the insurance where it does not cost them as much, because all the overhead of the expense of insurance rates will come out of the fund and not out of the employer. Naturally, he is going to take advantage of this fact.

I now want to point out one more thing which appeals to me as being very serious, and this is the powerful weapon in the hands of the employer over the employee. He can coerce and take away from him all the benefits of the Wagner Labor Disputes Act. The emancipation of the laborer, his deliverance from coercion, his right to act as a free agent, as set forth in this Magna Carta of labor—all its benefits would be seriously endangered if we adopt the Clark amendment.

[Here the gavel fell.]

Mr. SAMUEL B. HILL. Mr. Speaker, in connection with my request to extend my remarks I should like to supplement the request by asking that I be permitted to include memoranda analyzing the Clark amendment and illustrating how it would work and also a one-page letter from J. B. Glenn, Fellow of the Actuarial Society of America, on the same subject.

The SPEAKER pro tempore (Mr. BOLAND). Is there objection to the request of the gentleman from Washington?

There was no objection.

COMMITTEE ON RULES

Mr. O'CONNOR. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight to file reports from that committee.

The SPEAKER pro tempore. Is there objection?

There was no objection.

In accordance with the permission granted by the House Mr. O'CONNOR submitted the following privileged resolution:

Resolved, That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. J. Res. 348, a joint resolution "Authorizing exchange of coins and currencies and immediate payment of gold-clause securities by the United States; withdrawing the right to sue the United States on its bonds and other similar obligations; limiting the use of certain appropriations; and for other purposes." That after general debate, which shall be confined to the joint resolution and continue not to exceed 2 hours, to be equally divided and controlled by the Chairman and ranking minority member of the Committee on Banking and Currency, the joint resolution shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the joint resolution for amendment, the Committee shall rise and report the same to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the joint resolution and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

THE SECURITY BILL

Mr. DOUGHTON. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin [Mr. WITHROW].

Mr. WITHROW. Mr. Speaker and Members of the House, I am opposed to the Clark amendment for two reasons. First, because I am of the opinion that it is actuarially unsound, and second, because I am convinced that it will encourage discrimination against the older employee when he seeks either employment or reemployment.

No plan can be actuarially sound unless all the employees in that industry, both young and old, come under one plan, and unless all of those employees contribute to one fund.

Under the Clark amendment it would be permissible to have not only a private annuity fund, but likewise a portion of the employees of that factory could come under the Federal plan. It naturally follows, owing to the fact that it would be to the advantage of employers, that the older employees would have to come under the Federal plan and to younger employees would choose the private annuity plan. That would result in the younger employees not contributing to the governmental fund, and over a period of years one of two things would happen—either that fund would be depleted or the premiums to be paid would become prohibitive.

We have a number of examples.

I am a member of the railroad brotherhood. I was an officer prior to my election to Congress. We organized an annuity plan that was voluntary. The result was that the only men who chose to come under the plan were the old employees.

The plan had not been working very long before we found that it was a mistake. The result was that the brotherhood lost a number of million dollars, and I sincerely hope that this body will profit by the sad mistakes that we made during those years.

In cases where railroads now have company pension plans to which both employer and employee contribute, it has been our experience that the managements have found reason to lay off employees on one pretext or another, prior to the time they reached a pensionable age. This is not a matter of theory or conjecture. I can cite numerous examples.

Mr. HOUSTON. Will the gentleman yield?

Mr. WITHROW. I yield.

Mr. HOUSTON. What effect would this have on the railroad pension plan?

Mr. WITHROW. It would have no effect at all—none whatever.

Mr. HOUSTON. I understand that, but in the event that we defeat the Clark amendment, as I hope we will, what effect will it have on the present retirement pension plan?

Mr. WITHROW. None at all. Under the Clark amendment it would be to the advantage of the employer to have hired only men in the younger age groups. The cost of an annuity of $1 per annum, beginning at the age of 65, purchased at insurance company rates, is approximately $1.86 at age of 22; $2.18 at age of 27; $4.27 at age of 47; $8.47 at age of 57.

With such greater costs for older age groups, it is very evident that an employer can provide benefits as liberal as those of the Federal plan at a much lower cost if he pursues the policy of hiring only men in the lower age groups. Employers do not have to discharge employees when they grow old to get this advantage. All that they have to do is to establish a low hiring age limit. Many employers now have such low hiring age limits. The Clark amendment would very materially increase the tendency toward the adoption of such hiring age limits and preclude older men from securing employment.

I cannot go further with this subject in the limited time allotted to me. However, it is certain that in order for the Government plan to be successful it must include all age groups, and especially the younger age groups, in order to maintain adequate reserves without resorting to prohibitive contributions by employees or huge subsidies from the Government.

The Clark amendment is unsound in every respect.

I urge that it be defeated. [Applause.]

The SPEAKER. The time of the gentleman from Wisconsin has expired.

Mr. DOUGHTON. Mr. Speaker, I trust the House will insist on disagreeing to and vote down what is known as the "Clark amendment." I do not pretend to pass on the

motives of those who favor this amendment. For aught I know they are sincere, but I am sure that the effect of the Clark amendment will be to cripple or destroy this legislation so that its purposes and its objectives will not be accomplished. This debate has demonstrated clearly that there are many who give but lukewarm or half-hearted support to this legislation, who at heart are opposed to it and would be delighted, in fact, overjoyed, if it could be weakened by the adoption of some amendment whereby it would not accomplish the purpose and objectives for which it is designed. If the Clark amendment should be adopted, that means it would throw the burden on the weak, or almost entirely upon the Government, and that of itself, in my judgment, would tend to so weaken the whole plan that it will be of little or no benefit. Under the Clark amendment the employer with a private plan is exempt only when he is administering his plan properly. Otherwise he is not exempt. If the Clark amendment should be adopted, then you will by necessity have to set up a bureaucracy with a large number of employees because the employee under the Clark plan who is not satisfied with the treatment he receives will be coming post haste to Washington to have an investigation of the employer as to whether or not he is carrying out the purposes and requirements of the act. In that way it will require a large number of Government employees and it will build up a bureaucracy in Washington, the number of whose employees it is not possible at this time to forecast. Moreover, if this law is to succeed, it must have two purposes. It must accomplish the purpose for which it is designed, and it must also stand the test of the courts, and everyone who is familiar with this bill, who is qualified to pass a legal opinion, is convinced that if the Clark amendment is adopted, it seriously endangers the constitutionality of the bill.

They say, on the other hand, and my good friend from Massachusetts [Mr. TREADWAY] contended, that in case the bill should be declared null and void, then the private plan would be destroyed and there would be no protection whatever; but I call his attention to the fact that it is not until 1937 that title VIII is effective, and there will be ample time to have the validity of this act tested in the courts, and if it should fail, then the private plans would still be in existence. So there is no force or potency to that argument.

Mr. DOCKWEILER. As I understand it, under the Clark amendment there is no provision whereby a corporation which wants to have its private pension plan may protect its employees against its own bankruptcy and the fund being dissipated, so that the employees would not get anything.

Mr. DOUGHTON. In many cases that is true. Under the Clark amendment it would not be profitable for older employees to come under private plans. They get favored treatment under the Government plan, and so they would want to stay under the Government plan. The only people who would be covered by private plans would be the younger workers. Thus the Government plan would be left with all the "bad risks", while all the strong contributors would be exempt. Very soon the Government fund would be insolvent, and the entire insurance principle would be destroyed.

Therefore, Mr. Speaker, I am confident the membership of the House will vote down the motion to concur, and further insist on disagreeing to the Clark amendment. [Applause.]

The SPEAKER. The time of the gentleman from North Carolina has expired. All time has expired.

Mr. DOUGHTON. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question now is on the motion of the gentleman from Massachusetts to recede and concur in the Senate amendment.

The question was taken——

Mr. DOUGHTON. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 78, nays 268, not voting 83, as follows:

[Roll No. 132]

YEAS—78

Allen	Darrow	Holmes	Ransley
Andresen	Dirksen	Hope	Reed, Ill.
Andrew, Mass.	Ditter	Jenkins, Ohio	Reed, N. Y.
Arends	Dondero	Kahn	Rich
Bacharach	Duffy, N. Y.	Kinzer	Rogers, Mass.
Bell	Eaton	Knutson	Ryan
Blackney	Ekwall	Lehlbach	Short
Boehne	Engel	Lord	Snell
Brewster	Fish	McLean	Taber
Buckbee	Focht	Marshall	Taylor, S. C.
Carlson	Gifford	Martin, Mass.	Thurston
Cavicchia	Goodwin	Merritt, Conn.	Tinkham
Christianson	Guyer	Michener	Treadway
Church	Gwynne	Millard	Wadsworth
Claiborne	Halleck	Mott	Wigglesworth
Cole, Md.	Hancock, N. Y.	Peterson, Ga.	Wilson, Pa.
Cole, N. Y.	Hancock, N. C.	Pettengill	Wolfenden
Costello	Hess	Pittenger	Woodruff
Crowther	Hoeppel	Plumley	
Culkin	Hoffman	Powers	

NAYS—268

Adair	Dunn, Pa.	Lambertson	Robertson
Amlie	Eagle	Lambeth	Robinson, Utah
Arnold	Eckert	Lanham	Robsion, Ky.
Ayers	Edmiston	Larrabee	Rogers, N. H.
Barden	Ellenbogen	Lee, Okla.	Rogers, Okla.
Beiter	Evans	Lemke	Romjue
Biermann	Faddis	Lesinski	Rudd
Binderup	Farley	Lewis, Colo.	Russell
Bland	Ferguson	Lewis, Md.	Sanders, La.
Blanton	Fiesinger	Luckey	Sanders, Tex.
Bloom	Flannagan	Ludlow	Sandlin
Boileau	Fletcher	Lundeen	Sauthoff
Boland	Ford, Calif.	McAndrews	Schaefer
Boylan	Ford, Miss.	McClellan	Secrest
Brennan	Frey	McCormack	Seger
Brooks	Fuller	McFarlane	Shanley
Brown, Ga.	Fulmer	McKeough	Sirovich
Brunner	Gambrill	McLaughlin	Sisson
Buchanan	Gasque	McMillan	Smith, Conn.
Buck	Gassaway	McReynolds	Smith, Va.
Buckler, Minn.	Gearhart	Mahon	Smith, Wash.
Burdick	Gehrmann	Mansfield	Smith, W. Va.
Caldwell	Gilchrist	Mapes	Snyder
Cannon, Mo.	Gingery	Marcantonio	South
Cannon, Wis.	Goldsborough	Martin, Colo.	Spence
Carmichael	Granfield	Mason	Stack
Carpenter	Gray, Ind.	Massingale	Steagall
Cartwright	Gray, Pa.	Maverick	Stefan
Castellow	Green	May	Stubbs
Celler	Greenway	Mead	Sumners, Tex.
Chandler	Greenwood	Meeks	Tarver
Chapman	Greever	Merritt, N. Y.	Taylor, Colo.
Citron	Gregory	Miller	Taylor, Tenn.
Clark, N. C.	Griswold	Mitchell, Ill.	Terry
Coffee	Hamlin	Mitchell, Tenn.	Thom
Colden	Harlan	Monaghan	Thomason
Colmer	Hart	Montague	Thompson
Connery	Harter	Moran	Tonry
Cooley	Healey	Moritz	Truax
Cooper, Tenn.	Higgins, Mass.	Murdock	Turner
Cox	Hildebrandt	Nelson	Turpin
Cravens	Hill, Ala.	Nichols	Umstead
Crawford	Hill, Knute	Norton	Utterback
Crosby	Hill, Samuel B.	O'Connor	Vinson, Ga.
Cross, Tex.	Hobbs	O'Day	Vinson, Ky.
Crowe	Hook	O'Leary	Wallgren
Cullen	Houston	O'Malley	Walter
Cummings	Huddleston	O'Neal	Warren
Daly	Hull	Palmisano	Wearin
Dear	Imhoff	Parks	Weaver
Deen	Jacobsen	Parsons	Welch
Delaney	Jenckes, Ind.	Patman	Werner
Dempsey	Johnson, Okla.	Patterson	West
DeRouen	Johnson, W. Va.	Patton	Whelchel
Dickstein	Jones	Pearson	White
Dies	Kee	Peterson, Fla.	Whittington
Dietrich	Keller	Pfeifer	Wilcox
Dingell	Kennedy, Md.	Pierce	Williams
Disney	Kennedy, N. Y.	Polk	Wilson, La.
Dobbins	Kenney	Rabaut	Withrow
Dockweiler	Kerr	Ramsay	Wolcott
Dorsey	Kloeb	Ramspeck	Wolverton
Doughton	Kniffin	Randolph	Wood
Doxey	Kocialkowski	Rayburn	Woodrum
Drewry	Kopplemann	Reece	Young
Driver	Kramer	Reilly	Zimmerman
Duncan	Kvale	Richardson	Zioncheck

NOT VOTING—83

Andrews, N. Y.	Burnham	Doutrich	Gillette
Ashbrook	Carter	Driscoll	Haines
Bacon	Cary	Duffey, Ohio	Hartley
Bankhead	Casey	Dunn, Miss.	Hennings
Beam	Clark, Idaho	Eicher	Higgins, Conn.
Berlin	Cochran	Englebright	Hollister
Bolton	Collins	Fenerty	Johnson, Tex.
Brown, Mich.	Cooper, Ohio	Fernandez	Kelly
Buckley, N. Y.	Corning	Fitzpatrick	Kimball
Bulwinkle	Crosser, Ohio	Gavagan	Kleberg
Burch	Darden	Gildea	Lamneck

Lea, Calif.	Montet	Sabath	Starnes
Lloyd	O'Brien	Sadowski	Stewart
Lucas	O'Connell	Schneider	Sullivan
McGehee	Oliver	Schuetz	Sutphin
McGrath	Owen	Schulte	Sweeney
McGroarty	Perkins	Scott	Thomas
McLeod	Peyser	Scrugham	Tobey
McSwain	Quinn	Sears	Tolan
Maas	Rankin	Shannon	Underwood
Maloney	Richards	Somers, N. Y.	

So the motion to recede and concur was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Corning (for) with Mr. Johnson of Texas (against).
Mr. Bolton (for) with Mr. Sullivan (against).
Mr. McLeod (for) with Mr. Lucas (against).
Mr. Cooper of Ohio (for) with Mr. Starnes (against).
Mr. Stewart (for) with Mr. Fitzpatrick (against)
Mr. Hartley (for) with Mr. Somers of New York (against).
Mr. Perkins (for) with Mr. Gavagan (against).
Mr. Fenerty (for) with Mr. Buckley of New York (against).
Mr. Thomas (for) with Mr. Schneider (against).
Mr. Doutrich (for) with Mr. Burch (against).
Mr. Bacon (for) with Mr. Berlin (against).
Mr. Andrews of New York (for) with Mr. Sabath (against).

General pairs:

Mr. Rankin with Mr. Kimball.
Mr. Cochran with Mr. Carter.
Mr. Scrugham with Mr. Burnham.
Mr. Sears with Mr. Maas.
Mr. Sutphin with Mr. Higgins of Connecticut.
Mr. Oliver with Mr. Collins.
Mr. McSwain with Mr. Englebright.
Mr. Crosser of Ohio with Mr. Tobey.
Mr. Montet with Mr Quinn.
Mr. Sweeney with Mr. Eicher.
Mr. Schuetz with Mr. Tolan.
Mr. Haines with Mr. Kelly.
Mr. Bulwinkle with Mr. Lloyd.
Mr. Bankhead with Mr. Casey.
Mr. McGehee with Mr. Driscoll.
Mr. Clark of Idaho with Mr. O'Brien.
Mr. Beam with Mr. Richards.
Mr. Fernandez with Mr. Gildea.
Mr. Kleberg with Mr. Underwood.
Mr. Gillette with Mr. Hennings.
Mr. Schulte with Mr. Scott.
Mr. Duffey of Ohio with Mr. Owen.
Mr. Sadowski with Mr. Dunn of Mississippi.
Mr. Darden with Mr. O'Connell.
Mr. Maloney with Mr. Carey.
Mr. Lamneck with Mr. McGroarty.
Mr. Brown of Michigan with Mr. Lea of California.
Mr. Lea of California with Mr. Ashbrook.

The result of the vote was announced as above recorded.

The SPEAKER. The question now recurs on the motion of the gentleman from North Carolina [Mr. DOUGHTON] that the House insist upon its disagreement to the Senate amendments.

Mr. DOUGHTON. Mr. Speaker, I ask for the yeas and nays.

Mr. SNELL. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 269, nays 65, not voting 95, as follows:

[Roll No. 133]

YEAS—269

Adair	Clark, N. C.	Doughton	Goldsborough
Amlie	Coffee	Doxey	Granfield
Arnold	Colden	Drewry	Gray, Ind.
Ayers	Cole, Md.	Driver	Gray, Pa.
Barden	Colmer	Duffey, Ohio	Green
Beiter	Connery	Duncan	Greenway
Biermann	Cooley	Dunn, Miss.	Greenwood
Binderup	Cooper, Tenn.	Dunn, Pa.	Greever
Bland	Cox	Eagle	Gregory
Blanton	Cravens	Eckert	Griswold
Boehne	Crawford	Edmiston	Hancock, N. C.
Boileau	Crosby	Ellenbogen	Harlan
Boland	Cross, Tex.	Evans	Hart
Boylan	Crosser, Ohio	Faddis	Harter
Brennan	Crowe	Farley	Healey
Brown, Ga.	Culkin	Ferguson	Higgins, Mass.
Brunner	Cullen	Fiesinger	Hildebrandt
Buchanan	Cummings	Flannagan	Hill, Ala.
Buck	Daly	Fletcher	Hill, Knute
Buckbee	Deen	Ford, Calif.	Hill, Samuel B.
Buckler, Minn.	Delaney	Ford, Miss.	Hobbs
Burdick	Dempsey	Frey	Hoeppel
Caldwell	DeRouen	Fuller	Hook
Cannon, Mo.	Dickstein	Fulmer	Houston
Cannon, Wis.	Dies	Gambrill	Huddleston
Carpenter	Dietrich	Gasque	Hull
Castellow	Dingell	Gearhart	Imhoff
Celler	Disney	Gehrmann	Jacobsen
Chandler	Dockweiler	Gilchrist	Jenckes, Ind.
Chapman	Dorsey	Gingery	Johnson, W. Va.
Jones	Marcantonio	Rayburn	Taylor, Tenn.
Kee	Martin, Colo.	Reece	Terry
Keller	Mason	Reilly	Thom
Kennedy, Md.	Massingale	Richardson	Thomason
Kennedy, N. Y.	Maverick	Robertson	Thompson
Kenney	May	Robinson, Utah	Tonry
Kerr	Mead	Robsion, Ky.	Truax
Kloeb	Meeks	Rogers, N. H.	Turner
Kniffin	Merritt, N. Y.	Rogers, Okla.	Turpin
Knutson	Miller	Romjue	Umstead
Kocialkowski	Mitchell, Ill.	Russell	Utterback
Kopplemann	Mitchell, Tenn.	Sabath	Vinson, Ga.
Kramer	Monaghan	Sadowski	Vinson, Ky.
Kvale	Montague	Sanders, La.	Wallgren
Lambertson	Moran	Sanders, Tex.	Walter
Lambeth	Moritz	Sandlin	Warren
Lanham	Murdock	Sauthoff	Wearin
Larrabee	Nelson	Schaefer	Weaver
Lea, Calif.	Norton	Secrest	Welch
Lee, Okla.	O'Connor	Seger	Werner
Lemke	O'Day	Shanley	West
Lesinski	O'Leary	Sirovich	Whelchel
Lewis, Colo.	O'Malley	Sisson	White
Lewis, Md.	O'Neal	Smith, Conn.	Whittington
Luckey	Owen	Smith, Va.	Wilcox
Ludlow	Palmisano	Smith, Wash.	Williams
Lundeen	Parks	Smith, W. Va.	Wilson, La.
McAndrews	Parsons	Snyder	Withrow
McClellan	Patman	South	Wolcott
McCormack	Patterson	Spence	Wolverton
McFarlane	Patton	Stack	Wood
McKeough	Peterson, Fla.	Steagall	Woodrum
McLaughlin	Pierce	Stefan	Young
McMillan	Polk	Stubbs	Zimmerman
McReynolds	Rabaut	Sumners, Tex.	Zioncheck
Mahon	Ramsay	Tarver	
Mansfield	Ramspeck	Taylor, Colo.	
Mapes	Randolph	Taylor, S. C.	

NAYS—65

Allen	Dirksen	Jenkins, Ohio	Reed, Ill.
Andresen	Ditter	Kahn	Reed, N. Y.
Andrew, Mass.	Dondero	Kinzer	Rich
Arends	Ekwall	Lehlbach	Rogers, Mass.
Bacharach	Engel	Lord	Ryan
Bell	Fish	McLean	Snell
Blackney	Focht	Marshall	Taber
Brewster	Gifford	Martin, Mass.	Thurston
Carlson	Goodwin	Merritt, Conn.	Tinkham
Cavicchia	Guyer	Michener	Treadway
Christianson	Gwynne	Millard	Wadsworth
Church	Halleck	Mott	Wigglesworth
Claiborne	Hancock, N. Y.	Peterson, Ga.	Wolfenden
Cole, N. Y.	Hess	Pettengill	Woodruff
Costello	Hoffman	Pittenger	
Crowther	Holmes	Powers	
Darrow	Hope	Ransley	

NOT VOTING—95

Andrews, N. Y.	Corning	Johnson, Tex.	Quinn
Ashbrook	Darden	Kelly	Rankin
Bacon	Dear	Kimball	Richards
Bankhead	Dobbins	Kleberg	Rudd
Beam	Doutrich	Lamneck	Schneider
Berlin	Driscoll	Lloyd	Schuetz
Bloom	Duffy, N. Y.	Lucas	Schulte
Bolton	Eaton	McGehee	Scott
Brooks	Eicher	McGrath	Scrugham
Brown, Mich.	Englebright	McGroarty	Sears
Buckley, N. Y.	Fenerty	McLeod	Shannon
Bulwinkle	Fernandez	McSwain	Short
Burch	Fitzpatrick	Maas	Somers, N. Y.
Burnham	Gassaway	Maloney	Starnes
Carmichael	Gavagan	Montet	Stewart
Carter	Gildea	Nichols	Sullivan
Cartwright	Gillette	O'Brien	Sutphin
Cary	Haines	O'Connell	Sweeney
Casey	Hamlin	Oliver	Thomas
Citron	Hartley	Pearson	Tobey
Clark, Idaho	Hennings	Perkins	Tolan
Cochran	Higgins, Conn.	Peyser	Underwood
Collins	Hollister	Pfeifer	Wilson, Pa.
Cooper, Ohio	Johnson, Okla.	Plumley	

So the motion was agreed to.

The Clerk announced the following additional pairs:

On this vote:

Mr. Johnson of Texas (for) with Mr. Corning (against).
Mr. Sullivan (for) with Mr. Bolton (against).
Mr. Lucas (for) with Mr. McLeod (against).
Mr. Starnes (for) with Mr. Cooper of Ohio (against).
Mr. Fitzpatrick (for) with Mr. Stewart (against).
Mr. Somers of New York (for) with Mr. Hartley (against).
Mr. Gavagan (for) with Mr. Perkins (against).
Mr. Buckley (for) with Mr. Fenerty (against).
Mr. Schneider (for) with Mr. Thomas (against).
Mr. Burch (for) with Mr. Doutrich (against).
Mr. Berlin (for) with Mr. Bacon (against).
Mr. Bloom (for) with Mr. Hollister (against).
Mr. Pfeifer (for) with Mr. Short (against).
Mr. Brooks (for) with Mr. Eaton (against).
Mr. Rudd (for) with Mr. Wilson of Pennsylvania (against).

General pairs:

Mr. Rankin with Mr. Kimball.
Mr. Cochran with Mr. Carter.

Mr. Scrugham with Mr. Burnham.
Mr. Sears with Mr. Maas.
Mr. Sutphin with Mr. Higgins of Connecticut.
Mr. Johnson of Oklahoma with Mr. Plumley.
Mr. Cartwright with Mr. Tobey.
Mr. Carmichael with Mr. Andrews of New York.
Mr. Oliver with Mr. Collins.
Mr. McSwain with Mr. Englebright.
Mr. Montet with Mr. Quinn.
Mr. Sweeney with Mr. Eicher.
Mr. Schuetz with Mr. Tolan.
Mr. Haines with Mr. Kelly.
Mr. Bulwinkle with Mr. Lloyd.
Mr. Bankhead with Mr. Casey.
Mr. McGehee with Mr. Driscoll.
Mr. Clark of Idaho with Mr. O'Brien.
Mr. Beam with Mr. Richards.
Mr. Fernandez with Mr. Gildea.
Mr. Kleberg with Mr. Underwood.
Mr. Gillette with Mr. Hennings.
Mr. Schulte with Mr. Scott.
Mr. Darden with Mr. O'Connell.
Mr. Maloney with Mr. Carey.
Mr. Lamneck with Mr. McGroarty.
Mr. Brown of Michigan with Mr. McGrath.
Mr. Gassaway with Mr. Ashbrook.
Mr. Pearson with Mr. Duffy of New York.
Mr. Nichols with Mr. Hamlin.
Mr. Dear with Mr. Dobbins.

The result of the vote was announced as above recorded.

A motion to reconsider the vote by which the motion was agreed to was laid on the table.

LEGISLATIVE INFORMATION

Mr. LEHLBACH. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD. Sometime ago I secured from the Legislative Reference Service in the Library a summary of all acts dealing with compacts between States, pursuant to the constitutional provision on that subject. It has been suggested to me that this information should be made available to the Membership.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. LEHLBACH. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following acts of Congress authorizing or ratifying agreements between States for the benefit of Members of Congress:

LIBRARY OF CONGRESS,
Washington, March 21, 1935.

Hon. FREDERICK R. LEHLBACH,
House of Representatives, Washington, D. C.

DEAR SIR: In response to your request of March 16 for information as to how many times Congress has been called on to take action in connection with agreements between the States, I am sending with this a copy of a typewritten summary of "Acts of Congress authorizing or ratifying agreements between States", prepared by Mr. W. C. Gilbert, a member of the staff of the Legislative Reference Service.

Very respectfully,

H. H. B. MEYER,
Director Legislative Reference Service.

Joint resolution of May 12, 1820 (3 Stat. 609, V). Kentucky and Tennessee. Ratification of agreement made on February 2, 1820, to adjust and establish the boundary line.

Act of June 28, 1834 (4 Stat. 708–711). New York and New Jersey. Ratification of agreement made on September 16, 1833, and confirmed by the State legislatures, relating to boundary line, jurisdiction of fisheries, etc.

Act of February 15, 1848 (9 Stat. 211, ch. 10). Missouri and Arkansas. Confirmation of boundary line surveyed by State commissioners and ratified by acts of Arkansas, December 23, 1846, and Missouri, February 16, 1847.

Act of January 3, 1855 (10 Stat. 602, ch. 20). Massachusetts and New York. Consent to cession of district of "Boston Corner" to New York made by Massachusetts, act of May 14, 1853, and accepted by New York by act of July 21, 1853.

Act of February 9, 1859 (11 Stat. 382, ch. 28). Massachusetts and Rhode Island. Attorney General directed to consent to an adjustment of the boundary dispute before Supreme Court by a line agreed on by the parties and confirmed by decree of court.

Joint resolution of February 21, 1861 (12 Stat. 250, no. 9). Arkansas, Louisiana, and Texas. Assent to acts of State legislatures, past or future, looking to removal of "raft" from Red River.

Joint resolution of March 10, 1866 (14 Stat. 350, no. 121). Virginia and West Virginia. Recognition of transfer of Berkeley and Jefferson Counties to West Virginia, "and consent thereto."

Act of March 3, 1879 (20 Stat. 481–483). Virginia and Maryland. Ratification of award in the boundary dispute made on January 16, 1877, by arbitrators appointed under authority of State laws, and confirmed by the legislatures.

Act of April 7, 1880 (21 Stat. 72, ch. 49). New York and Vermont. Ratification of cession by Vermont in adjustment of western boundary near Fair Haven, made by act of November 27, 1876, and accepted by New York on March 20, 1879.

Act of February 26, 1881 (21 Stat. 351–352). New York and Connecticut. Consent to agreement of December 8, 1879, settling the boundary line. See also act of January 10, 1925, below.

Act of October 12, 1888 (25 Stat. 553, ch. 1094). Connecticut and Rhode Island. Consent to agreement of March 25, 1887 (confirmed by Connecticut on May 4, 1887, and by Rhode Island on May 5) settling the sea boundary.

Act of August 19, 1890 (26 Stat. 329–333). New York and Pennsylvania. Consent to agreement of March 26, 1886, settling the boundary line.

Act of July 24, 1897 (30 Stat. 214, ch. 12). South Dakota and Nebraska. Consent to compact signed June 3–7, 1897, settling part of boundary line between Clay County, S. Dak., and Dixon County, Nebr.

Joint resolution of March 3, 1901 (31 Stat. 1465, no. 19). Tennessee and Virginia. Consent to cession of north half of main street between Bristol, Va., and Bristol, Tenn., to Tennessee (made by act of Virginia, Jan. 28, 1901, and accepted by act of Tennessee, Feb. 9, 1901).

Act of March 1, 1905 (33 Stat. 820, ch. 1295). South Dakota and Nebraska. Approval of compact (date not given) establishing boundary south of Union County, S. Dak.

Act of January 24, 1907 (34 Stat. 858–861). New Jersey and Delaware. Consent to agreement of March 21, 1905, defining jurisdiction over Delaware River, including a provision for concurrent legislation affecting fisheries.

Joint resolution of January 26, 1909 (35 Stat. 1160, no. 4). Mississippi and Louisiana. Authorization of compact fixing boundary line and settling criminal jurisdiction upon the Mississippi River.

Joint resolution of January 26, 1909 (35 Stat. 1161, no. 5). Mississippi and Arkansas. Authorization of compact fixing boundary line and settling criminal jurisdiction upon the Mississippi River.

Joint resolution of February 4, 1909 (35 Stat. 1163, no. 7) Tennessee and Arkansas. Authorization of compact fixing boundary line and settling criminal jurisdiction upon the Mississippi River.

Joint resolution of June 7, 1910 (36 Stat. 881, no. 31). Missouri and Kansas. Authorization of compact fixing boundary line and determining criminal jurisdiction upon the Missouri River.

Joint resolution of June 10, 1910 (36 Stat. 881, no. 32). Oregon and Washington. Authorization of agreement to fix boundary on Columbia River by mutual cessions.

Joint resolution of June 22, 1910 (36 Stat. 882, no. 34). Wisconsin, Illinois, Indiana, and Michigan. Authorization of compact (between any two or more States) determining criminal jurisdiction on Lake Michigan.

Act of March 1, 1911 (36 Stat. 961, ch. 186, sec. 1). General consent "to each of the several States * * * to enter into any agreement * * * with any other State or States" for conservation of forests or water supply.

Act of October 3, 1914 (38 Stat. 727, ch. 315). Massachusetts and Connecticut. Consent to establishment of a boundary line "heretofore agreed upon" under acts of Massachusetts, March 19, 1908, and Connecticut, June 6, 1913.

Act of August 8, 1917 (40 Stat. 266, sec. 5). Minnesota and North and South Dakota (or any two of them) authorized to make agreements for improvement of navigation and control of floods on boundary waters and tributaries; execution to be with approval and under supervision of Secretary of War.

Act of April 8, 1918 (40 Stat. 515, ch. 47). Oregon and Washington. Ratification of compact for protection of fish in Columbia River, etc. (requiring joint approval of any change in laws), approved by Oregon (Laws 1915, ch. 188, sec. 20) and by Washington (Laws, 1915, ch. 31, sec. 116).

Act of September 13, 1918 (40 Stat. 959). Wisconsin and Minnesota. Ratification of mutual cessions of territory, and consequent change of boundary. (Wis. 1917, ch. 64; and Minn. 1917, ch. 116.)

Act of July 11, 1919 (41 Stat. 158, ch. 11). New York and New Jersey. Consent to compact authorized by New Jersey (Laws, 1918, chs. 49, 50) and New York (Laws, 1919, ch. 70; and General Laws, 1919, ch. 178), providing for construction, etc., of tunnel under Hudson River.

Joint resolution of March 4, 1921 (41 Stat. 1447, ch. 176). North and South Dakota, Minnesota, Wisconsin, Iowa, and Nebraska (or any two of them) authorized by compact to determine jurisdiction over boundary waters.

Joint resolution of June 30, 1921 (42 Stat. 104, ch. 38). Pennsylvania and Delaware. Ratification of reestablishment of boundary line (Newcastle circle) agreed to by Pennsylvania (act of June 22, 1897) and by Delaware (act of Mar. 28, 1921).

Act of August 19, 1921 (42 Stat. 171, ch. 72). Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming. Consent to negotiation of an agreement (not later than Jan. 1, 1923), for an apportionment of the waters of the Colorado River and its tributaries—subject to approval by legislature of each State and by Congress. An agreement was reached under this authorization, dated November 24, 1922, which was ratified by each of the States except Arizona, during the year 1923. In view of the failure of Arizona to ratify, the other six States, at the 1925 sessions, waived the requirement of approval by all seven; and Congress, in the Boulder Canyon Project Act of 1928, ratified it as thus modified (45 Stat. 1064, sec. 13–a).

Joint resolution of August 23, 1921 (42 Stat. 174–180). New York and New Jersey. Consent to agreement of April 30, 1921

(under provisions of New York Laws 1921, ch. 154, and New Jersey Laws 1921, ch. 151), for the development of the Port of New York Authority—phrased as a supplement to agreement of 1834, noted above.

Joint resolution of July 1, 1922 (42 Stat. 822–826). New York and New Jersey. Consent to supplemental agreement for development of port of New York, contained in New York Laws 1922, ch. 43, and New Jersey Laws 1922, ch. 9.

Joint resolution of September 22, 1922 (42 Stat. 1058). Kansas and Missouri. Consent to compact contained in a resolution of Missouri, April 15, 1921, and of Kansas, March 18, 1921, by which the States mutually exempted the municipal waterworks of Kansas City (Kansas and Missouri) from taxation.

Act of January 10, 1925 (43 Stat. 731–738). New York and Connecticut. Consent to agreement of January 3, 1911 (Conn.) and March 15, 1912 (N. Y.) redescribing the entire boundary—said agreement having been duly ratified and "congressional approval * * * authorized by said States."

Act of January 29, 1925 (43 Stat. 796–798). Colorado and New Mexico. Consent to compact for equitable distribution of waters of La Plata River, signed November 27, 1922, and ratified by Colorado, act of April 13, 1923, and by New Mexico, act of February 7, 1923.

Act of March 4, 1925 (43 Stat. 1268, ch. 534). Washington, Idaho, Oregon, and Montana. Consent to negotiation of compact (not later than Jan. 1, 1927—extended to Dec. 1, 1927, by 44 Stat. 247 ch. 129, and to December 31, 1930, by 44 Stat. 1403, ch. 382) for apportionment of water supply of Columbia River and its tributaries—subject to subsequent approval by each State and by Congress.

Act of March 8, 1926 (44 Stat. 195–201). Colorado and Nebraska. Consent to South Platte River compact, signed on April 27, 1923, and approved by Colorado, act of February 26, 1925, and by Nebraska, act of May 3, 1923.

Act of July 3, 1926 (44 Stat. 831, c. 754). Idaho, Wyoming, Washington, and Oregon. Consent to negotiation of compacts for apportionment of waters of Snake River, subject to ratification by each State and by Congress.

Act of February 26, 1927 (44 Stat. 1247). South Dakota and Wyoming. Consent to negotiation of compacts for apportionment of waters of Belle Fourche and Cheyenne Rivers, subject to ratification by each State and by Congress.

Joint resolution of February 16, 1928 (45 Stat. 120–128). New York and Vermont. Consent to "enter into the * * * compact executed by the commissioners duly appointed * * * pursuant to authority" of chapter 321 of the Laws of 1927 of New York, and Act No. 139, Vermont 1927; and "each and every part and article thereof be, and the same is hereby, ratified, approved, and confirmed."

Joint resolution of March 10, 1928 (45 Stat. 300–303). Wisconsin and Michigan. Consent to enter into compact relating to construction and maintenance of bridge over Menominee River, executed by commissioners on January 14, 1927, under authority of chapter 87, Wisconsin Statutes and Michigan Laws 1925, no. 354 and 1927, Spec. Act No. 98.

Act of December 21, 1928 (45 Stat. 1058, ch. 42). Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming. In addition to the ratification of the Colorado River compact in section 13, as noted above, the Boulder Canyon Project Act in section 4 authorized Arizona, California, and Nevada to make an agreement regarding apportionment of water; and in section 19 authorized the seven States mentioned to negotiate supplemental compacts for the development of the Colorado River.

Joint resolution of March 1, 1929 (45 Stat. 1444, ch. 448). Oklahoma and Texas. Consent to negotiation of compact (apparently to be formulated by the President) relative to title to lands transferred under authority of the case of *Oklahoma* v. *Texas* (272 U. S. 21). Such compact to be ratified by the States and by Congress.

Act of March 2, 1929 (45 Stat. 1502, ch. 520). Colorado and New Mexico. Consent to negotiation of compact for apportionment of water supply of Rio Grande, San Juan, and Las Animas Rivers; subject to approval by States and by Congress.

Act of March 2, 1929 (45 Stat. 1502, ch. 521). New Mexico, Oklahoma, and Texas. Consent to negotiation of compacts for apportionment of water supply of Rio Grande, Pecos, and Canadian or Red Rivers; subject to approval by the States and by Congress.

Act of March 2, 1929 (45 Stat. 1503, ch. 522). New Mexico and Oklahoma. Consent to negotiation of compacts for apportionment of water supply of Cimarron River and any other streams in which jointly interested; subject to approval by States and by Congress.

Act of March 2, 1929 (45 Stat. 1517, ch. 537). New Mexico and Arizona. Consent to negotiation of compacts for apportionment of water supply of Gila and San Francisco Rivers and other streams in which jointly interested; subject to approval by the States and by Congress.

Act of March 2, 1929 (45 Stat. 1517, ch. 538). Colorado, Oklahoma, and Kansas. Consent to negotiation of compacts for apportionment of Arkansas River and other streams in which jointly interested; subject to approval by the States and by Congress.

Act of April 10, 1930 (46 Stat. 154, ch. 130). Oklahoma and Texas. Consent "to any agreements or compacts that have heretofore been or may hereafter be entered into" relating to construction and maintenance of bridges over the Red River.

Act of June 17, 1930 (46 Stat. 767–773). Colorado, New Mexico, and Texas. Approval of Rio Grande compact, signed February 12, 1929, and approved by Colorado, act of April 29, 1929; by New Mexico, act of March 9, 1929; and by Texas, act of May 22, 1929.

Act of January 19, 1931 (46 Stat. 1039, ch. 41). Consent to negotiation of compacts with respect to boundary line—subject to approval by the States and by Congress.

Act of June 9, 1932 (47 Stat. 292, ch. 224). Kentucky and Indiana authorized, through their highway commissions, to enter into "cooperative agreements" relating to the construction, maintenance and operation of bridge over Ohio River near Owensboro.

Act of June 9, 1932 (47 Stat. 294, ch. 225). Kentucky and Illinois authorized through their highway commissions, to enter into cooperative agreements relating to construction, etc., of bridge over Ohio River near Cairo.

Act of June 14, 1932 (47 Stat. 308). Pennsylvania and New Jersey. Consent to compact signed July 1, 1931, relating to operation and maintenance of bridge over Delaware River between Philadelphia and Camden.

Joint resolution of May 29, 1933 (48 Stat. 105). Kansas and Missouri. Consent to compact approved by Missouri (Laws 1933, p. 474) and Kansas (Laws 1933, p. 379), relating to bridge over Missouri River near Kansas City.

Act of June 6, 1934 (48 Stat. 909, ch. 406). Consent "to any two or more States to enter into agreements or compacts for cooperative effort and mutual assistance in the prevention of crime", etc.

NOTE.—Attention should perhaps be directed to the act of April 19, 1930 (46 Stat. 224, ch. 194) by which Congress authorized the State Highway Board of Georgia to cooperate with the State Highway Department of South Carolina in construction and operation of a bridge across the Savannah River at Augusta, Ga. Such cooperation might very well involve some written agreement as to terms and conditions; so that in substance the situation might not be very different from the act, e. g., of June 9, 1932, noted above, where the words "cooperative agreements" were used. The question might then be raised whether the congressional sanction in such cases is not simply on the ground that an interstate stream is involved; it might be argued that such a working agreement, not affecting the territorial sovereignty of the States, is not within the scope of compacts requiring ratification by Congress.

Notice may also be taken of the half-way cases, where the United States has negotiated with individual States, e. g.:

Act of March 21, 1934 (48 Stat. 453, c. 72), providing for a commissioner to act in conjunction with a commissioner on the part of Virginia, and a third selected by these two, in determining the District of Columbia-Virginia boundary—their recommendations to be subject to ratification by Congress and Virginia; or

Act of June 15, 1858 (11 Stat. 310), authorizing commissioners on the part of the United States to act with commissioners on the part of Texas in surveying the boundary between Texas and the Territories of the United States. The boundary thus established, between Texas and the public-land strip, and Texas and New Mexico, was confirmed by act of March 3, 1891 (26 Stat. 971). And an attempted modification by New Mexico, on the formation of the State, was declared of no force and effect by joint resolution of February 16, 1911 (36 Stat. 1454).

A still different situation occurred in the case of Virginia and Kentucky. By an act of December 18, 1789, Virginia authorized the erection of the district of Kentucky into a new State. That act provided that "all private rights, and interests of lands within the said District derived from the laws of Virginia prior to such separation, shall remain valid and secure under the laws of the proposed State, and shall be determined by the laws now existing in this State." This compact was ratified by the convention which framed the constitution of Kentucky and was incorporated into that constitution. The act of Congress for the admission of Kentucky (Feb. 4, 1791, 1 Stat. 189) contained no express reference to the subject; and in *Green* v. *Biddle* (8 *Wheat.* 1) it was argued that the compact was invalid because made without the consent of Congress, contrary to the Constitution, article I, section 10. But the Supreme Court, after observing that the Constitution "makes no provision respecting the mode or form in which the consent of Congress is to be signified" and that the question in such cases is, "has Congress, by some positive act, in relation to such agreement, signified the consent of that body to its validity?" Found in the preamble to the act of 1791, with its reference to the act of Virginia of 1789 and the convention in Kentucky, sufficient indication, under the circumstances, of an assent to the terms of separation set out in the Virginia proposal—including the "compact" in question.

SPANISH COLONIAL MISSIONS

Mr. DEMPSEY. Mr. Speaker, I ask unanimous consent to file a supplemental report on House Joint Resolution 211, to create a commission to study and report on the feasibility of establishing a national monument, or monuments, in the territory occupied by the Spanish Colonial Missions in the States of Texas, New Mexico, Arizona, and California.

The SPEAKER. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

EXPLANATION OF VOTE

Mr. BOLAND. Mr. Speaker, I wish to announce that my colleagues, Mr. BERLIN and Mr. HAINES, are unavoidably absent. Were they present, they would have voted "no" on the Treadway motion and would have voted "aye" on the Doughton motion.

MODERN PROBLEMS OF LAW ENFORCEMENT

Mr. CONNERY. Mr. Speaker, I ask unanimous consent to revise and extend my remarks by printing a speech of J. Edgar Hoover. I made this request yesterday, but under the rules of the Joint Committee on Printing, anything over two pages must be referred to the Joint Committee on Printing for an estimate. I have complied with that.

Mr. O'MALLEY. Reserving the right to object, what is the speech about?

Mr. CONNERY. It is a speech on crime. It is a speech made by J. Edgar Hoover at Atlantic City. I wish a copy of it could be in every home in the United States.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. CONNERY. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following address of J. Edgar Hoover, Director Federal Bureau of Investigation, United States Department of Justice, before the convention of the International Association of Chiefs of Police at Atlantic City, N. J., July 9, 1935:

May I say with a great deal of pardonable pride that I look forward, throughout the year, to this appearance which I annually make before the International Association of Chiefs of Police. When mutual problems arise, I feel that I can save discussion of them for such a time as this and talk over these difficulties with men who themselves are familiar with such obstacles. In doing so, I know that I need make no lengthy explanations for a proper basis of understanding. I know that we stand upon a common ground. I know that I speak to my own people.

Therefore, this is not a speech. It is a discussion at a stated meeting place where men of experience get together to make use of that experience; a straight-from-the shoulder facing of facts as we know they must be faced. Here, at this meeting, a criminal is understood to be a criminal, with a gun in his hand and murder in his heart. It is not necessary here, in discussing what shall be done with that human rat, to persuade some altruistic soul that he is not a victim of environment or circumstances or inhibitions of malformed consciousness, to be reformed by a few kind words, a pat on the cheek and freedom at the earliest possible moment.

I feel that here I am bulwarked among friends, all of us sworn to stand against a group of dangerous enemies, who consistently attack efficient law-enforcement. So that there be no misunderstanding, let me list those enemies, call them by name: they are the criminals themselves and their friends and allies who are engaged of their own free will in the business of attempting to make crime pay. They are the shyster lawyers and other legal vermin who consort with criminals, guide them in their nefarious acts, hide them away after the crime is committed, use the blood money of law-breaking to bribe witnesses, dissemble evidence and, when possible, convert the judge and jury to a miscarriage of justice.

Beyond this, there is the legal shyster in law-making who, in meetings of bar associations and legislatures, cries out against every statute which aids the law-enforcement officer and works with fanatical zeal for laws which will hamper him. He orates loudly and blatantly upon the preservation of the constitutional rights of the criminal jackal and totally ignores the sacred and human rights of honest citizens. He is backed by the politician, crooked and otherwise, who is willing to trade the property, the well-being, the security, and even the lives of law-abiding persons for ballots spawned in prison cells, and the support of gutter scum. The bullets of the underworld are today poisoned by the verdigris of politics. The law-enforcement officer who seeks to do his duty has no weapon which can combat this venom, once it has been allowed to spread through the arteries of a community; there is no armor which can turn its vicious penetration.

Indeed, it would seem that such enemies were numerous enough and deadly enough without the addition of even a vaster army of antagonists. But there are more, and they are the ones who today form the greatest handicaps of all in the field of law enforcement. I refer to the sob sisters, the intruders, the uninformed and misinformed know-it-alls, the sentimentalists, and the alleged criminologists who believe that the individual is greater than society, that because any criminal can display or simulate even the slightest evidence of ordinary conduct, then, indeed, he must be a persecuted being, entitled to be sent forth anew into the world to again rob and plunder and murder. Why is it that these sentimentalists never think of the human wreckage left in the paths of such marauders? Why do they weep over the murderer and remain dry eyed at the thought of his slaughtered victim? Why must a man be thought good merely because he says he is good, when the facts of his career point to a constant succession of acts antagonistic to the peace and well-being of a community? I refer to the countless thousands of unregenerate criminals who, through the subversive acts of convict lovers, have been turned loose to prey anew upon communities often defenseless because the law-enforcement machinery has been lulled into the belief that these men were still in prison, when in truth they have been secretly released to again go forth upon a new series of depredations.

The time has come when we must look upon all persons who designedly or otherwise help the criminal as being enemies to society. There can be no middle ground. The sob sister who weeps over a kidnaper, and who through a desire for notoriety influences public opinion in favor of mercy for that foul body snatcher, is to my mind little better than the persons who must be punished for having aided, abetted, or harbored him. The fuss budget busybody who spends his or her time, for purposes of self-aggrandizement and a name as a philanthropist, in reducing the already too short sentences of rapists, murderers, kidnapers, and other outlaws, interferes seriously with the proper procedure of justice. The shyster who passes laws for the good of the criminal is no better than his professional brother who hides that criminal; the politician who stuffs his parasitical being upon the fruits of underworld votes is as much a type of vermin as the scum which casts its ballots according to his dictation. The time has come for all of us to look upon them for what they are—enemies to our cause and enemies to society.

To fight this concerted group entails a tremendous job—that of absolute and unflinching cooperation, not only between law-enforcement bodies, but within those bodies. The greatest ally of the criminally minded is looseness of method, bickerings between enforcement agencies, jealousies within organizations. Let us remember this, let us work toward the end that after all we are an army of many segments but with one goal—the protection of society and of ourselves.

For that reason, I like to think of the Federal Bureau of Investigation of the United States Department of Justice not only as an arm of the United States Government but as an agency, maintained by and for each and every State, every county, every cross-roads. There has been much publicity recently about the so-called "G men." Naturally our Bureau is proud of certain achievements. However, allow me to say that the results obtained could not have been realized without the whole-hearted and thorough cooperation of law-enforcement agencies spread throughout the length and breadth of America. To all of you I therefore express my deep gratitude and my pride that with the steady growth of cooperation between the enforcement arms of hamlet, village, city, Nation, and State, there appears upon the horizon a glow of hope, pointing to the day when again the majesty of the law shall be truly majestic, and the criminal reduced to the substratum where he rightfully belongs. May I add that in the Federal Bureau of Investigation it has been found that while crime does not pay, there are huge rewards in the relentless pursuit, apprehension, and punishment of criminals. During the past year, of all persons brought to trial through the investigative efforts of the Federal Bureau of Investigation, convictions were obtained in 94 percent of the cases. The cost of the Bureau for the fiscal year recently ended was approximately $4,680,000. During this time it effected recoveries of property and otherwise saved the taxpayers of America more than $38,000,000. For every dollar which went into crime chasing, more than $8 was brought in. The same sort of record can be made by any other law-enforcement agency of America which is allowed to concentrate upon crime, aided by every known practical and scientific method, plus freedom from influence and the degrading, disrupting burden of politics.

Only a short time ago, the Identification Division of the Federal Bureau of Investigation received its five millionth fingerprint record. Here is the greatest repository of factual criminal data in history, built through cooperation. It is not something which belongs alone to the Department of Justice. We are merely the custodians. It is your information bureau; you are the ones who built it to its present size and scope. Your officers risk their lives to arrest the more than 3,000 criminals whose fingerprint records are received daily in this great collection, which represents America's public enemies.

It is indeed cooperation when the law-enforcement bodies of the world can band together upon a common basis of action which steadily, day after day and month after month, brings about the identification of 50 percent of all persons arrested as having previous criminal records, and actually resulted in the past year in the location of 4,403 fugitives; 12 times a day somewhere in the United States some furtive lawbreaker is stripped of his aliases and revealed as a wanted felon because the law-enforcement bodies of the country have built up in Washington the greatest crook-catching device in the history of crime. Daily the fear of this Division grows in the mind of the criminal, he knows that here are witnesses who cannot be bribed, intimidated, or done away with. Even the agonies endured by such men as Dillinger in attempting to alter their finger tips, or those of the members of the Barker-Karpis gang who resorted to the actual slashing away of portions of their fingers have been found unavailing against the scientific manner in which fingerprint identification has been built up through your aid.

Likewise, the facilities of the crime laboratory of the Federal Bureau of Investigation, which was established in 1932, are yours. You are the men who furnish the evidence upon which to work; you are the men for whom this laboratory was conceived and built. The greater use you make of it, the greater will be its ability to aid and detect and apprehend.

Thus goes the story of the entire Federal Bureau of Investigation. It is not a mere law-enforcement body. It is an institution entrusted with the task of giving aid to crime prevention, to detection and apprehension everywhere. Every growth of investigative methods conceived here is yours for the asking. The aim of the Bureau is constantly centered upon the belief that no one unit of apprehension and detection can be self-sufficient. The

effort must be a concerted one; the idea incessantly in view that crime no longer is local but nationalized, and that the nationalized methods are necessary to combat it.

Even the recent laws which have widened the powers of the Federal Bureau of Investigation were initiated not with the idea of usurping power from local agencies, but with the idea of giving aid to them. To this end no man in America deserves higher praise for his steady and conscientious efforts in the interests of law-enforcement than the Honorable Homer S. Cummings, Attorney General of the United States. It was through his genius and hard work that recent laws were devised and carried through to passage by Congress, centralizing effort in certain types of crimes which, through the growth of swift transportation, were becoming burdensome to local agencies.

Through his unfailing interest and his vision, it has been possible to build up the Federal Bureau of Investigation from a purely investigative agency to a militant one. It was he who brought about the condition of fear which now rules the underworld, the man who made it possible for the Federal Bureau of Investigation to obtain the arms, the ammunition, and the type of trained personnel to carry on a battle to the death, if necessary. That it has been successful is attested by the tombstone names of Wilbur Underhill; John Dillinger; Fred and Ma Barker; Russell Gibson, the kidnaper; "Pretty Boy" Floyd; "Baby Face" Nelson; and others.

The Attorney General's motivating idea throughout this entire plan of action has been that of useful cooperation with local law-enforcement agencies—in other words, to provide the most highly centralized agency possible, which acts as a coordinating agent for the police bodies of the Nation. In this connection, I feel sure that you all will agree with me that cooperation is as necessary from one side as it is from the other. With that cooperation functioning perfectly, marvelous results can be achieved; it has been through such close coordination that the Department of Justice, since the passing of the Lindbergh kidnaping statute in 1932, has been able to solve every one of the 50 cases brought to its attention, resulting in the conviction of 117 persons and the holding in custody of 22 more now awaiting trial. Sentences totaling 1,760 years have been assessed in addition to 24 life sentences, 4 death sentences, 3 culprits who committed suicide, 3 who died by murder at the hands of their gang members, and 4 who learned that you cannot bribe a bullet and who fell before the guns of fearless law-enforcement officers of Federal and local governments.

The record of extortion prosecutions is equally imposing, while that of the protection of national banks shows that since the passing of the law in May 1934, making it a Federal crime to rob a national bank or member bank of the Federal Reserve System, the number of bank robberies of this type dropped from 16 per month to 4 per month. This does not mean that the Federal Bureau of Investigation performed a superhuman task where others had failed. It does mean, however, that this Bureau was able to take the place of a central activating agency, cooperating with local agencies for the purpose of destroying the urge to rob banks. There are at present 65 persons in custody awaiting prosecutive action for this violation of law; 69 others have been convicted, 3 for life, and the others to terms totaling more than 1,616 years. Only one person has been acquitted. More than $125,000 in stolen money has been recovered. That all this was done in close cooperation with local officers is best evidenced by the fact that State trials have brought convictions to 24 persons, two of the sentences being for life; and seven bank robbers were killed by State officers.

Thus with cooperation becoming something vastly more practical than a mere theory, we are concerned with what can and must be done through that cooperation. You long ago have learned the usefulness of the Identification Division; the same field of aid lies before you in the crime laboratory. Here there are scientists and experts who are interested only in learning the truth. The testimony of a crime laboratory expert is unbiased; he has no personal interest in a case, and he is not in the business of testifying for money. To convict the guilty and acquit the innocent is his task; nothing can swerve him from that goal.

With the growth of scientific detection, the burden of laboratory work upon law-enforcement agencies daily grows greater. Likewise, there also increases the danger that commercial "crime laboratories" will more and more enter the picture of detection and apprehension, bringing about a repetition of the difficulties often experienced by expert testimony where evidence is given for hire. The Federal Bureau of Investigation crime laboratory does away with this danger. It is yours. Make the fullest use of it. There are no fees, no honorariums. The reward comes in sending a criminal to prison or an innocent man to freedom.

Our training methods are yours—we welcome their adoption in the law-enforcement bodies of the Nation. There is nothing secret about the manner in which the Federal Bureau of Investigation works. Its formula is a simple one—intensive training, highly efficient and carefully investigated personnel, rigid requirements in education, conduct, intelligence, ability to concentrate, alertness, zeal, and loyalty, plus careful schooling in which we do our utmost to make every man to a degree self-sufficient. He must be a good marksman and have the courage to shoot it out with the most venomous of public enemies. He must know how to take fingerprints and what to do with them afterward. He must learn that no clue, no matter how seemingly unimportant, can be overlooked. He must have constantly before him the fact that science is a bulwark of criminal investigation, and neglect no avenue toward this end. And he must realize that no case ever ends for the Federal Bureau of Investigation until it has been solved and closed by the conviction of the guilty or the acquittal of the innocent.

Therefore, we are shortly embarking upon an experiment for which I have great hopes—the installation of a police training school in the Federal Bureau of Investigation. With the opening date set for July 29, and with the beginning to be made on a limited scale until we have passed the experimental stage, the Attorney General hopes to provide in this police training school a university of police methods which may make the Bureau's most successful methods a part of the regulation police procedure in every part of the United States.

Selected police officials from State and local units may here receive a complete 3 months' course of intensive study in the technique of modern law enforcement. Naturally the vast resources of the Federal Bureau of Investigation will be thrown wide to them, but beyond this there shall be employed the services of outstanding men from universities, the field of criminology, and from police departments themselves.

There will be courses in fingerprinting, in the workings of the crime laboratory; practical field problems shall be studied, methods of attack, of surveillance, of gathering, preserving, and presenting evidence. The gun range of the United States Marine Corps at Quantico, Va., will be used for firearms training, the use of tear gas, riot guns, and machine guns. There will be practice in firing from speeding automobiles, and under conditions simulating those of actual battle.

Beyond this, the local problems of the police official will be thoroughly covered. There will be lectures on traffic control, on patrolling, report writing, court procedure, preparation of cases, and giving of evidence. The visiting official will be taught something of crime motivation, of neighborhood problems and of public relations. Police equipment will be lectured upon in all its branches—it is our aim to present in this police training school the answer to every problem which can arise in Federal, State, or local law-enforcement work. The course is free, police officers in attendance paying only their transportation and subsistence costs.

Our hope, of course, is that the men who undergo this course will return to their various communities equipped to spread their information among their departments; in other words to be missionaries from this university for a more advanced attack upon the crime problems of today. And I believe that one enlightening bit of study will be that portion of the course which treats of secrecy in the successful pursuit and apprehension of today's criminals. Through the employment of the nonpublicized methods of investigative technique the Federal Bureau of Investigation has achieved some of its most successful results.

This is especially true in kidnaping cases and others where the life or welfare of innocent persons is at stake, or where publicity may endanger the lives of local or Federal officers. Secrecy is the most hated word in the life of an outlaw. His best friends are those newspapers which, in their avidity to fulfill the ill-considered public desire for information, seek to publish every possible fact concerning an investigation. Time and again we all have seen efforts at important captures fall simply for the reason that a criminal bought a newspaper of this type and learned of the detailed plans to effect his apprehension.

We must give more attention to this need of secrecy. We must realize, after all, that our job is to capture criminals and not to make our efforts a running, day-by-day recital either of our methods, or actions, or aims or plans.

The impression may have been created by persons with an ax to grind that the Federal Bureau of Investigation desires to seize the glory of criminal catching. To that I answer that this Bureau is in the business of catching crooks—and that this is our sole business. No one knows better than we that the local police, where there is not inefficency, corruption, or headline hunters, and as deeply and seriously concerned with a crime as ourselves. It is to our interest and to the interest of all that recognition of local assistance be fair and just and honest. Therefore, it is my request that when you gentlemen who control the law-enforcement agencies of the Nation feel that you have justification to question why certain tactics are used by the Bureau in some case which arises in your locality, you talk to me personally about it. I am at your service and am only so far away as a telephone connection. Whether you be to the south, the north, the east or west, telephone me. The number is National 7117, Washington, D. C. Let us talk upon a common basis about something in which we are jointly interested, the catching of the criminal. The Federal Bureau of Investigation, I again repeat, is your agency, your clearing house. It should be as much a clearing house of ideas as of actions.

I have mentioned that our common basis is that of catching the criminal. It goes further than that. Our common basis is the public welfare, and to that end we must work in closest harmony. If I may suggest, there are certain goals which lie along the road and to which we should dedicate our most earnest efforts.

One is, of course, the outlawing of politics in all matters concerning the criminal. There should be determined fights on the part of law-enforcement bodies when some shyster legislator brings before a lawmaking body any statute which will further the interest of the criminal or make his apprehension and punishment more difficult. Law enforcement is in a fighting mood, and it must remain militant. When politics seeks to stay its hand by reduced appropriations, by red tape, by enforced appointments, I feel that the official who makes a fight against it will have the support of the public. Certainly this is true of the official who is brave enough

to do what many members of the legal profession seemingly are afraid to do—I mean to make a determined effort to rid the communities of America of that filthy parasite of crime, the conniving, plotting, crime-aiding criminal attorney. We in law enforcement have given the legal profession of America many warnings and numerous opportunities to clean house. Those warnings in many cases have been disregarded and the opportunities have been flouted.

The successful prosecution of B. B. Laska, the Denver attorney, recently convicted of having aided the kidnapers of Charles F. Urshel, of Oklahoma, and the equally successful proceedings against Louis M. Piquett, politician-lawyer of Chicago, convicted of having harbored and abetted a member of the Dillinger gang, are evidences of what is to come in this regard. Here and now, for the benefit of crooked attorneys everywhere, I give them warning that the Federal Bureau of Investigation, whenever it receives the slightest bit of evidence tending to show that these criminal allies have sought to traduce justice through planning, plotting, or aiding in crimes, or by bribery, intimidation of witness, or other unlawful means, will follow such evidence down to the final shred. The Department of Justice has already placed a number of attorneys criminal where they belong. It intends to add to that list considerably.

There also is much work to be done in the field of civil fingerprinting. Already many good citizens of America have evinced interest in the efforts of forward-looking citizens to establish as large a civilian, noncriminal file as possible. It is a task of education in which I feel we should join for the good of society—certainly there could be no more interesting program for local civic organizations than a talk by your fingerprint expert upon fingerprinting in general and the advantages of contributing to the civilian file.

The number of persons who disappear each year, for instance, is amazing. In Los Angeles County alone last year 100 amnesia victims could not be identified and were committed to various institutions as nameless, helpless, friendless persons. If their fingerprints had been on file in Washington, identification would have been almost immediate. The potter's fields of the country yearly receive hundreds of bodies of the so-called "unknown dead." The term is incorrect—somewhere someone knows them, someone searches for them, someone loves them. They are the unidentified dead, often condemned to pauper burial merely because the marks of their fingers are not upon a pasteboard card. The criminal can be identified; the honest man cannot, thus thousands annually wander about the country afflicted by loss of memory; children disappear and are lost forever; daughters are lured from home to sink in disgrace because they are ashamed or fear to return when a welcome forgiveness awaits them. Much of this can be prevented by civil fingerprinting. Let us tell this story whenever possible. Let us point out the benefits to humanity of a central identification bureau where the deposition of fingerprints is the mark of an honest man. Let us show the benefits in business, in safety of travel, in rescue during time of illness or loss of memory. I believe the public will welcome it—and every effort exerted along this line means a lessening in the tremendous task which enforcement agencies must shoulder in the daily hunt for thousands upon thousands of missing persons. More than 5,000 a year disappear from Philadelphia, for instance; 3,000 from Los Angeles; a thousand from Portland, Oreg.; 2,200 from San Francisco; 13,000 from New York; 4,000 from St. Louis—other cities and towns range in proportion. Large numbers of them are found, of course, but only after arduous effort that would be reduced by a great percentage if the law-enforcement official had as his ally a set of identifying fingerprints on file at Washington.

Another problem of grave concern to us all is the ever-recurring one dealing with the extension of various forms of clemency to the criminal. No one in this assemblage, I feel sure, will scoff at the theory of parole and of rehabilitation. I said theory, not practice. There is a vast difference. The theory is beautiful. The practice approaches a national scandal.

It seems inconceivable that the people of America should be taxed the millions upon millions of dollars which they must annually pay for police, State constabularies, Federal enforcement bureaus, courts, penal institutions, and the like, only to have this expense become a mockery. It seems impossible that in an enlightened nation brave officers should be asked to face desperate criminals, to endure danger, injury, and even loss of life that those criminals be captured, only to see them turned loose to again resume their predatory careers. It seems unjust that the brave men of the Federal Bureau of Investigation must face their daily dangers, giving loyally of their years and sometimes of their life blood, unprotected by insurance, retirement pay, or adequate pensions for their widows if they fall on the field of battle, while throughout America millions of dollars are being squandered because of ill-considered, ignorant, or politically controlled parole and clemency actions which release dangerous men and women to prey upon society.

Parole and clemency advocates who love to talk of the beauties of "restricted liberty" as they like to call it, say that we have no parole problem. They say we point to isolated cases. Let them prove it. Let them show by case records where hardened criminals have been reformed after 3 and 4 and even 5 paroles, during which time they have been returned for new crimes.

Strangely enough, in spite of the foregoing remarks, I am an advocate of parole, the right kind of parole. I believe that parole was originated to give the first offender a chance to reform and rehabilitate himself. I believe that any man convicted of a crime should, if he displays reasonable desire to do so and providing his crime not be heinous, be given a chance to face the world anew. But when convicts with extensive records for offenses against society are turned out of prison cells for no other apparent reason than that they have asked for it, or that they have conducted themselves according to the rules of prison, then there is something wrong with America.

How can these State parole and pardon systems justify their actions when there are certain States which will not make the effort necessary to return parole violators, once those renegades have crossed the State line? It is apparent that there is throughout the entire Nation a woeful and, in some cases, absolute lack of any effort to find out what the paroled man does after he leaves prison. All this makes for a ghastly farce and no one knows it better than we who are intrusted with the safeguarding of society.

I repeat that this is a time when law enforcement must fight for its right to conquer the criminal world. To do this, it must combat the aids by which crime flourishes—easy parole, easy commutation, easy probation from sob-sister judges, and above all that monumental fake which has too long been perpetrated upon the American public—the prison sentence which says one thing and means another. There must be a campaign of education to teach the man in the street that he should not be lulled to peaceful acquiescence when a judge sentences a man to jail for 20 years, knowing full well that he will be out in 5.

The American citizen must be taught that prison sentences today are largely a matter of division and subtraction. The criminal knows it. He realizes only too well that scavenger legislative lawyers and soppy sentimentalists have tricked the statutes until today, granted that the criminal has brains enough to simulate good behavior and a desire to rebuild, this would mean that the maximum time this man will spend in prison is one-third of his sentence. Often it is not even that. I have in mind the cases of two criminals, well-known gangsters, robbers, pay-roll hold-up men, and sufficiently dangerous to be listed in the single fingerprint section of the Federal Bureau of Investigation. For their many crimes these men were sentenced respectively to 105 years and 145 years in prison. One escaped from a chain gang five times; the other escaped three. Both were freed within 6 years, and in the space of a few months had committed new crimes, including the robbery of a national bank.

The average murderer spends 10 years behind bars, and murder is supposed to be our greatest crime. Such procedure amounts to little more than subterfuge; law can have little majesty under such conditions. Let the public know the truth and I believe public opinion will rise to a point where sentimentalists, crooks, sob sisters, and convict lovers will be forced to give society a chance by sending prisoners to jail for the full amount of time they deserve to serve.

Thus we come to a discussion of what is justice. Late in May a young boy was kidnaped in a Pacific coast city. He was stolen from a school yard, forced into an automobile, held a prisoner in a pit, and bound in chains. Then he was dragged about the country cramped into the rear trunk of an automobile, after which he was incarcerated in a closet for days while his abductors wrung from the distraught parents the sum of $200,000. At last the money was paid, and the boy, his life forever shadowed by his inhuman treatment, returned to his home.

The homecoming was perhaps the most heart-rending event in the knowledge of the 70 or more experienced journalists and law-enforcement officials who were present. The curly-haired boy, cheerful in spite of his suffering, came out upon the lawn to meet these men and women, all of whom were veterans. They had seen train wrecks, floods, loss of life in accident and shipwreck; many had witnessed executions. They thought they were hard-boiled. Yet, as they viewed this young fellow, striving bravely to forget the ordeal through which he had passed, fighting like the fine, stalwart American boy that he is, to face life and win, despite this gaunt shadow which had crossed his path, there was not an eye which remained dry, not a throat unchoked, not a voice which failed to tremble. The fiends who had taken this youth, who had dared to blight a lustrous young life for the sake of blood money, would be adequately punished, they knew. Regrets were expressed that they could not be hung.

The Federal Bureau of Investigation began a hunt for these kidnapers. In the meantime, however, another search bore fruit, the chase to round up the last of the kidnapers of Edward G. Bremer in St. Paul. Volney Davis, a member of the Barker-Karpis gang, was captured. He pleaded guilty and was sentenced to life imprisonment. His crime had been participation in the stealing of an adult.

In the case of the young boy, Harmon M. Waley was arrested as one of the kidnapers. The arrest revealed that Waley had been a consistent violator of the law since the age of 16. He had been paroled not once but several times, only to violate his parole or commit new crimes. In fact, his parole history was so flagrant that the President of the United States demanded an investigation.

This foul body snatcher, Waley, had imperiled the life of a fine young boy. He had helped to extract a fortune from parents who had been forced into debt to pay the ransom. He had deliberately, maliciously, and fiendishly committed the worst crime that human brain can conceive. Yet his sentence was for but 45 years, a term often equaled in bank robbery cases.

Again I repeat that prison sentences are not sentences but problems in division and subtraction. Within 15 years, Harmon Metz Waley will be eligible for parole, his debt served for having stolen an innocent, defenseless child. Meanwhile Volney Davis, unless he also meets some munificent mercy, will have only begun to serve out that long life sentence for the stealing of an adult. Therefore, I ask, not in a spirit of criticism, of course, but merely from a standpoint of bewildered curiosity, what and where is justice?

INDIANS IN CALIFORNIA

The SPEAKER. The Chair lays before the House the following request from the Senate of the United States:

SENATE OF THE UNITED STATES,
May 13 (calendar day May 31), 1935.

Ordered, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 1793) to amend the act entitled "An act authorizing the attorney general of the State of California to bring suit in the Court of Claims on behalf of the Indians of California", approved May 18, 1928 (45 Stat. L. 602).

The SPEAKER. Without objection the request will be granted.

There was no objection.

ADDITIONAL UNITED STATES JUDGES

Mr. MONTAGUE. Mr. Speaker, I call up the conference report on the bill (H. R. 5917) to appoint an additional circuit judge for the ninth judicial circuit and ask unanimous consent that the statement may be read in lieu of the report.

Mr. TRUAX. Mr. Speaker, reserving the right to object, I should like to ask the gentleman from Virginia if this is the bill that was originally passed by the House providing for an additional circuit judge for the ninth district but which bill the Senate amended so as to provide for two more judges in California and making permanent in California a temporary appointment existing with reference to another Federal judge?

Mr. MONTAGUE. Substantially that is true.

Mr. TRUAX. Mr. Speaker, I object.

Mr. SNELL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SNELL. Mr. Speaker, I understood the gentleman from Virginia called up a conference report. Is that correct?

The SPEAKER. That is true.

Mr. SNELL. There can be no objection to calling up a conference report.

The SPEAKER. The gentleman from Virginia asked permission that the statement be read in lieu of the report.

Mr. BLANTON. It is just a question of saving time.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

Mr. TRUAX. I do not object to the reading of the report.

Mr. TABER. I object, Mr. Speaker.

The SPEAKER. The Clerk will read the report.

The Clerk read the conference report.

The conference report and statement are as follows:

CONFERENCE REPORT

The Committee of Conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5917) having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, and 3, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the bill, and agree to the same with an amendment, as follows: In lieu of the amended title proposed by the Senate, amend the title so as to read: "An Act to Provide for the Appointment of Additional United States Judges".; and the Senate agree to the same.

A. J. MONTAGUE,
WESLEY LLOYD,
U. S. GUYER,
Managers on the part of the House.

WILLIAM H. KING,
W. G. MCADOO,
WM. E. BORAH,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5917) to appoint an additional circuit judge for the ninth judicial district, submit the following written statement explaining the effect of the action agreed on by the conference committee and submitted in the accompanying conference report:

As it passed the House, this bill provided for the appointment of an additional circuit judge for the ninth circuit. The Senate made three amendments to the bill, which the House conferees accepted.

The first Senate amendment adds to the bill provisions for the appointment of two additional district judges for the southern district of California.

The second Senate amendment makes permanent an existing temporary judgeship in the southern California district created by the act of September 14, 1922. The act under which it was created provides that no vacancy occurring in this position can be filled without legislation by Congress.

The third Senate amendment authorizes the appointment of an additional district judge for the eastern district of Virginia. A separate bill for this purpose has already passed the House this session.

The title of the bill is amended to harmonize with its contents as amended.

A. J. MONTAGUE,
U. S. GUYER,
WESLEY LLOYD,
Managers on the part of the House.

Mr. TABER. Mr. Speaker, is it the intention of the gentleman from Virginia to yield time on this conference report?

Mr. MONTAGUE. I should like to expedite it all I can, but I shall not object to a reasonable amount of discussion.

Mr. TABER. I think the House ought to know what it is about and ought to have an opportunity to discuss it.

Mr. MONTAGUE. I shall be glad to state what it is about.

Mr. TABER. And will the gentleman be willing to yield time to those who are opposed to the proposition?

Mr. MONTAGUE. Yes.

Mr. BLANTON. Mr. Speaker, will the gentleman from Virginia yield?

Mr. MONTAGUE. I yield.

Mr. BLANTON. There are two Federal judgeship bills. One is the bill of our colleague from Virginia, which involves only two States—a judge for Virginia and two for California, and the continuation of another there. There is another bill, however, which provides for about 15 Federal judges.

Mr. CELLER. No. I know the gentleman does not want to misstate it; it will make permanent temporary judgeships.

Mr. BLANTON. It involves about 15; and numerous Members on both sides of the aisle are against that bill. We do not want to get the two bills mixed.

Mr. MONTAGUE. That is not this bill.

Mr. BLANTON. That is not this bill. The gentleman's bill merely provides for judges in California and Virginia.

Mr. MICHENER. Mr. Speaker, will the gentleman yield?

Mr. MONTAGUE. Certainly.

Mr. MICHENER. It is rather difficult for us to hear the gentleman over here. Is this the omnibus judge bill or is this the Virginia bill?

Mr. MONTAGUE. I will state to the gentleman that it is neither.

Mr. MICHENER. What is it?

Mr. MONTAGUE. Sometime since a bill passed this House creating an additional circuit judgeship in the ninth circuit. This bill went to the Senate, where two amendments were offered, I think by the Senator from California [Mr. MCADOO] creating two additional district judgeships for the southern district of California, and also an amendment providing that a judge who has been long serving, I understand, should have his term made permanent, in keeping with the Constitution. The statement shows the fact. There was another amendment also, an amendment offered by Senator GLASS, of Virginia, creating an additional Federal judgeship for the eastern district of Virginia. These are the reasons the bill is back here.

Mr. MICHENER. As a matter of fact, all of these judgeships have been placed in this one bill; I do not care how they started, when you get down to brass tacks that is the situation.

Mr. MONTAGUE. When you get down to brass tacks only three judgeships are put into this bill in addition to making permanent a temporary one.

Mr. MICHENER. How many judgeships does this bill carry?

Mr. MONTAGUE. I have stated that to the gentleman but I will state it again. It carries three new district judgeships, one of whom has already been approved by this House.

Mr. MICHENER. This is not the bill carrying the Arizona judgeship?

Mr. MONTAGUE. Not at all. The gentleman is correct.

Mr. O'MALLEY. Will the gentleman yield?

Mr. MONTAGUE. I yield to the gentleman from Wisconsin.

Mr. O'MALLEY. This bill started out in the House creating one new judgeship?

Mr. MONTAGUE. The bill, as I understand it originated in the House creating one new circuit judgeship in California.

Mr. O'MALLEY. Now it comes back here with three tacked on?

Mr. MONTAGUE. Two tacked onto the bill passed by the House, and one additional, allowing a judge to the eastern district of Virginia, which has heretofore passed the House.

Mr. DOCKWEILER. I yield to the gentleman from Michigan.

Mr. MICHENER. The gentleman speaks of an investigation by the Supreme Court made a number of years ago. Congress set up a Judicial Council, consisting of the members of the Supreme Court and the presiding judge of each circuit. This Council meets once a year. It has been the policy of the Judiciary Committee of the House to give attention to the recommendations of the Judicial Council, and the Judiciary Committee has done that regardless of political consideration and regardless of who is in power. I believe that policy should be carried on. Take Massachusetts, for instance, they should have an additional judge. All the facts show they should have an additional judge, because the business of the Federal court there is away behind. When the Attorney General, regardless of politics, and the Judicial Council, which surely is not partisan, reports that a district needs and must have additional help, it seems to me that we should cut out all logrolling and partisanship and allow these additional judgeships if we find that the recommendations are justified. Needed judges should not be denied because some Senator insists that there will be no bill unless he gets a judge for his State. I think we should allow these judgeships where they are needed. Necessity should be our guide. Michigan needs a judge to take the place of Judge Simmons, who has been promoted to the circuit bench. This is not a new judgeship, but this judgeship lapsed upon this promotion. The Judicial Council asks that Michigan's vacancy be filled, but I am ready to vote against a judge for Michigan if the price is to be unnecessary judges in other States. I think that should be the attitude of the Congress. Political logrolling has no place when dealing with the judiciary.

Mr. MONTAGUE. I may say to the gentleman from Michigan that the pending bill does not have anything to do with the judgeship in Michigan at all.

Mr. MICHENER. I know it does not, but the other bill does.

Mr. PIERCE. Mr. Speaker, will the gentleman yield?

Mr. MONTAGUE. I yield.

Mr. PIERCE. Suppose this conference report is voted down then what happens with respect to the circuit judge for the ninth district and the district judge for the Virginia district. We passed both of those bills, and now they have passed them in the Senate, have they not?

Mr. MONTAGUE. Yes.

Mr. O'CONNOR. That is a very easy question to answer from a parliamentary standpoint. We can insist on our disagreement to the Senate amendments and send it back and provide for a district judge in Virginia.

Mr. PIERCE. We passed a bill providing for a circuit judge for the ninth district.

Mr. O'CONNOR. And they have put in three judges for California.

Mr. PIERCE. I am talking about the circuit judgeship.

Mr. KRAMER. There are only two additional judges provided for California.

Mr. SUMNERS of Texas. Mr. Speaker, ladies and gentlemen of the House, they are undertaking to gang Judge MONTAGUE'S bill.

The argument made against the bill is absolutely unfair. There are two distinct bills before this House. Let us see what the facts are. They are not going to let any of these bills go through, they say. Who are "they"? My distinguished friend from New York, whom I respect—and I appeal from him to the House that controls its own business. What are the facts?

The facts are that Judge MONTAGUE introduced a bill which went to the Judiciary Committee; the committee approved the bill and the House approved the bill. That is one proposition.

The second proposition is Mr. LLOYD introduced a bill taking care of the ninth circuit. The Judiciary Committee approved it; it passed the House and went to the Senate. That is the second proposition.

When the two bills got into the Senate there was a proposition in the Senate for two additional district judges in California, who seem to be referred to by my distinguished friend from New York as Republican judges. We hope that if we get the two more judges we will get in a couple of Democrats. [Laughter.]

Mr. YOUNG. Will the gentleman yield?

Mr. SUMNERS of Texas. For a quick question.

Mr. YOUNG. The gentleman refers to this as Judge MONTAGUE'S bill.

Mr. SUMNERS of Texas. Never mind that. I cannot go into that now, however.

Mr. YOUNG. The entire character of the bill has been changed.

Mr. SUMNERS of Texas. I am giving the House a square statement about the facts. I stated clearly that Judge MONTAGUE introduced a bill. Mr. LLOYD introduced a bill, so that the Senate had two bills before it, and they put in two additional judges from California, as the Senate had a perfect right to do.

Mr. O'CONNOR. Mr. Speaker, will the gentleman yield? The gentleman mentioned my name.

Mr. SUMNERS of Texas. Yes.

Mr. O'CONNOR. I think the gentleman intimated that I said something about Republican judges. I do not recall that I mentioned Republican judges.

Mr. SUMNERS of Texas. If the gentleman will look at the RECORD tomorrow, he will recall it.

Mr. O'CONNOR. I am sure it is not in the RECORD. I never mentioned Republican or Democratic judges.

Mr. SUMNERS of Texas. Oh, yes, the gentleman did.

Mr. O'CONNOR. Very well; if I did, I did. I am just as much opposed to Democratic Federal judges as Republican Federal judges. I am for Judge MONTAGUE'S bill and for Mr. LLOYD'S bill.

Mr. SUMNERS of Texas. With regard to these two judges in California, we want to be sensible about the matter. There is not anybody, Democrat or Republican, who will not agree that the record with regard to the southern district of California shows that they need these judges out there. I do not believe there is a single human being, man or woman, who will take his or her place in the Well of the House and state on his own responsibility that the record does now show conclusively that those two judges are needed to carry forward the public business.

Mr. YOUNG. In that event why did not the gentleman's committee report a bill for the creation of those two judges?

Mr. SUMNERS of Texas. Never mind that now.

Mr. LUNDEEN. Mr. Speaker, will the gentleman yield?

Mr. SUMNERS of Texas. If there is any challenge to my statement, I yield.

The SPEAKER. The time of the gentleman from Texas has expired.

Mr. MONTAGUE. Mr. Speaker, I yield the gentleman 3 minutes more.

Mr. LUNDEEN. Did the gentleman ever hear of a United States district or circuit judge who was not overcrowded with work? I never did.

Mr. SUMNERS of Texas. I have, and I make this statement. I do not believe anybody who will examine the situation in California but will say that they need these two new judges. That is my judgment. We want this report voted either up or down on its merits. It is not fair in the consideration of this conference report to be talking about 13 other judges.

It is not fair or good sportsmanship or a good legislative way of handling business. We have an arrangement under which the Chief Justice of the Supreme Court and the presiding justices of each of the circuits come in here and go over the business of the courts. They have gone over the business of the southern district of California and recommended these judges. What has happened? Nothing, except that the Senate, a responsible part of the legislative branch of the Government, added two California judges, which is a good thing to add to the bill, we thought. That is all there is to this report.

Mr. O'MALLEY. Mr. Speaker, will the gentleman yield for a question?

Mr. SUMNERS of Texas. Shoot it fast.

Mr. O'MALLEY. Did the House Judiciary Committee study the need for these two additional judges?

Mr. SUMNERS of Texas. I did, and I think the other members did. I do not think there is any disagreement about that.

Mr. O'MALLEY. Did your committee report a bill out?

Mr. SUMNERS of Texas. No. What are we going to do about it now? What is the sensible thing to do about it? Are you going to beat Judge MONTAGUE's bill on the statement of my good friend from New York [Mr. O'CONNOR]? I could take care of that statement if it were pertinent, with regard to good sportsmanship. I helped bring that bill in. I do not want to take any more time, but I do not want to see such tactics resorted to against Judge MONTAGUE's bill on the floor of this House.

Mr. YOUNG. But no one on the floor of the House now is in a position to give us information as to whether or not the present district judges in the southern district of California are on the job or on vacation or how much time they have devoted to their work; and how can we pass on the merits of this unless the gentleman's committee gives us that information?

The SPEAKER. The time of the gentleman from Texas has again expired.

Mr. MONTAGUE. Mr. Speaker, I yield the gentleman 2 minutes more.

Mr. SUMNERS of Texas. I have not the figures, and I do not know whether the California Members have them or not, but I say on my own responsibility that the figures that I have examined and which the other members of the committee have examined show the need for these two judges. Of course, we have not any way on earth of trailing these judges and seeing whether they sit on the bench all of the time they should sit there. The Attorney General thinks they ought to have these judges, and the Chief Justice thinks we ought to have these judges.

Mr. YOUNG. But they ought to be on the job all of the time, because they are the only officeholders in this country who did not take a cut in pay when everybody else did.

Mr. KRAMER. Is it not a fact that continuously they have had judges come in from other districts to help out in southern California?

Mr. SUMNERS of Texas. Yes. I will not take any more time. [Applause.]

Mr. MONTAGUE. Mr. Speaker, I yield 5 minutes to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Speaker, I am one of those who do not believe in creating any unnecessary Federal judges, and I appeal now to my colleagues who have made that fight with me in this House not to be prejudiced against a meritorious bill.

I believe that every bill ought to be fought out on this floor on its own merits. What is this bill? The gentleman from Texas [Mr. SUMNERS] stated it clearly and distinctly. This is not the Montague bill; it is the Lloyd bill. It went from this House creating a new judge for the ninth district of California. There was also a bill passed here by my colleague Mr. MONTAGUE to create a judge for the eastern district of Virginia, which passed the House. Both were meritorious bills.

Those two bills went to the Senate. The Senate took this Lloyd bill and added Judge MONTAGUE's bill on it as an amendment. So if you vote down the Senate amendment, as the gentleman from New York [Mr. O'CONNOR] advises you to do, you do not pass the Montague bill at all, but you kill it. So you cannot vote down the Senate amendment and pass the Montague bill.

Now, I want to say this on behalf of those two new judges in California. If you will look up California's record you will find that California, comparable to other States of its size, has more new people today, both registered under the census and not registered under the census, than any other State in the Union. The reports that I am getting today are that there are nearly a million people in California who have gotten in there who are not registered at all under the census. They all have to be handled by the courts, for most of them are aliens.

I am one who does not want to see new Federal judgeships created when they are not necessary. I have fought against it. I am nevertheless one Member of this House who believes that they have done right in providing for these two new judgeships in California. [Applause.] I am willing to vote for this bill as it stands on its own merits. Then when the other bill comes up we will look after it on its merits.

I heard a prominent member of the great Ways and Means Committee a few minutes ago say that if there were going to be any votes against the 15-judge bill, he was not going to let this judge bill pass. I voted to put that gentleman on one of the biggest committees in this House, because I liked him and I then thought he was a man of pretty sound judgment. I voted to put him on our great Ways and Means Committee. Hence I was very much surprised to hear him say that if there were going to be any votes against the 15-judge bill, in which he was interested, he would not let any other new judge bill pass. That is not the kind of a statement that a distinguished member of the Ways and Means Committee of this House ought to make. He ought to be bigger than that. He ought to be broader than that. He ought to have better judgment than that. He ought to be more equitable than that to his colleagues and to the various districts of the country. I still have confidence in him, and I would vote again to place him on the Ways and Means Committee, notwithstanding his impulsive statement.

Mr. TARVER. Will the gentleman yield?

Mr. BLANTON. Not just at this moment. I regret I have not the time to yield.

I have served with my distinguished colleague from Virginia [Mr. MONTAGUE] since the war days. He is one of the most lovable characters in this House. [Applause.] He is one of the great men of this country. [Applause.] He has been Governor of the great Commonwealth of Virginia. He has the confidence of the people. He has rendered a distinctive service to the people of his Nation here in the Congress of the United States. [Applause.] This is his bill. Are we going to kill it; are we going to "Ohio it to death" with these talks simply because we are prejudiced against new judges?

I am one who took the floor against that 21-judge bill back in 1922, and if you will refer to my speech made in 1922 against that bill you will see that I quoted one of the strongest speeches against unnecessary judges that was ever made on this floor, made by the Chairman of our great Committee on the Judiciary [Mr. SUMNERS]. His splendid speech made in a former session against creating new unnecessary judgeships was unanswerable.

Chairman SUMNERS of Texas in that speech spoke about the then conditions out in Arizona where the judge was busy only a few months in the year. He then spoke of the then conditions in Colorado. Today that one judge out in Colorado recently has been trying cases in New York City. He was not busy out in Colorado, so they sent for him to help them out in New York City.

Let us pass this Montague bill. Let us give the eastern district of Virginia its judgeship, and let us at the same time do right and justice by California. [Applause.]

The SPEAKER. The time of the gentleman from Texas [Mr. BLANTON] has expired.

Mr. MONTAGUE. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan [Mr. DINGELL].

Mr. DINGELL. Mr. Speaker, in 1933 I introduced a bill providing for a Federal judge in the eastern district of Michigan. At the beginning of the Seventy-fourth Congress the same bill was resubmitted. It was on the strength of appeals from the citizens of Detroit and of Michigan, supported by the entire bench of Federal judges located at Detroit that I introduced the bill known as "H. R. 2761." I think the fact that an additional judge is needed is borne out by the support that we have from the Judicial Council and the information that we have from the Supreme Court on the need for the reestablishment of what was at one time a temporary judgeship. However, my bill provided for a permanent, new judgeship, regardless of that temporary place which was unfilled since Judge Simmons was sent to the United States Circuit Court of Appeals at Cincinnati.

Now, I am for the bill offered by the gentleman from Virginia [Mr. MONTAGUE]. I never said I was opposed to it. I am for his bill on its merits. I feel that California, in view of the information we have, is entitled to have additional Federal judgeships; but at the same time I want to stress that we in Michigan need an additional judge as much or possibly even more than you need one in Virginia, or as much as you need two in California. Detroit is the fourth largest city in the United States and the eastern district of Michigan is one of the largest and most important, having a volume of legal business so great that the docket is completely swamped. It is not a matter of any personal pride or any desire on my part to obtain a new judge or slip in a Democrat to fill the place. It is an absolute necessity. It is a matter of public need to clear the docket at the earliest possible time.

My bill has been included in the omnibus bill, and I hope that this House will be fair enough to at least dissociate the instances where a nunfair advantage is being taken and support the remainder of the bill purely on its merits. In the meantime, I want to assure the gentleman from Virginia [Mr. MONTAGUE] that I am not only not opposed to his bill but I am absolutely in favor of it. Any quotation of me to the contrary is entirely erroneous. I shall present the House with the necessary and substantiating fact when the omnibus bill is up for consideration.

Mr. Speaker, I yield back the unused portion of my time.

Mr. MONTAGUE. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. LEA].

Mr. LEA of California. Mr. Speaker, there is a simple principle that should determine the creation of a judgeship in any district; that is, whether or not the judge is needed. The question as to the need for the additional judges in California has been established as fully as it could be established anywhere. The highest authority on that question in the United States should be the Chief Justice of the Supreme Court, Mr. Hughes. Speaking at the American Law Institute in May of this year, Judge Hughes said:

> In the southern district of California this average interval for all classes of cases is from 18 to 24 months. This is a condition which ought not to continue.

Then referring to the fact that the Judicial Conference had recommended these judges for California, he continued:

> It is idle to talk of reforms if judicial administration, which underlies the enforcement of all laws, is not kept adequate and sufficient.

The gentleman from New York made a speech a few minutes ago in which he claimed that the hands of Congress are tied because of some alleged legislative agreement, some gentlemen's agreement, made in 1921. I have great respect for the gentleman from New York, but I think he is talking nonsense to the House when he advances any such argument. The idea that in 1921 a few men in Congress could get together and have some personal understanding about what should be done in the future and that in 1935 we should find ourselves debarred from doing the sensible, the just thing in this matter is nonsense, with all due respect to my good friend from New York. The whole Congress in 1921, even by unanimous vote, would not bind the Congress of 1935. Then how could a few Members by any gentlemen's agreement in 1921 attempt to bind Congress in 1935.

In southern California the population increased 65 percent from 1920 to 1930. The situation today is entirely different from what it was in 1921. Would any sensible man for one moment contend that we should be bound today by the conditions which existed 14 years ago?

Mr. TARVER. Mr. Speaker, will the gentleman yield?

Mr. LEA of California. I yield.

Mr. TARVER. Would it not have been more nearly fair to have brought the California bill before the House as a separate proposition, to have allowed the House to pass on whether or not these judgeships were justified apart from the proposition of the gentleman from Virginia? Why was it advisable to tie it onto this bill in the Senate, having failed to get a favorable report from the House Judiciary Committee?

Mr. LEA of California. The gentleman refers to a question of procedure which does not relate to the merits.

Mr. TARVER. I say it has very great relation to the merits. I want to know why it was not thought advisable to bring the California proposition before the House separately and apart from the proposition for Virginia?

Mr. LEA of California. We have not had the legislative opportunity. We had to avail ourselves of the legislative opportunity that was afforded. We have not asked that it be considered on any other ground than its merits. There is a real need for these judges out there on the coast, and no argument to the contrary has been advanced. The attempt is to defeat the bill for a reason not going to its merits.

Mr. PIERCE. Mr. Speaker, will the gentleman yield?

Mr. LEA of California. I yield.

Mr. PIERCE. How many judges have you in southern California now?

Mr. LEA of California. Four.

Mr. PIERCE. And how great is the population?

Mr. LEA of California. We have over 6,000,000 people in the State.

Mr. PIERCE. How many people are there in the northern district?

Mr. LEA of California. The population there is less than 3,000,000.

Mr. PIERCE. How many judges are there in the northern district?

Mr. LEA of California. Three.

Mr. PIERCE. You have 7 judges, then, for about 8,000,000 people?

Mr. LEA of California. Yes; or over 6,000,000 people.

Mr. PIERCE. We are crowded up in Oregon. I was asking for one more judge. We have only a little over 1,000,000 people with 2 judges.

Mr. LUNDEEN. Mr. Speaker, will the gentleman yield?

Mr. LEA of California. I yield.

Mr. LUNDEEN. What difference does it make how these bills got before us? If the judges are needed, we ought to pass the legislation.

Mr. LEA of California. The statement of the gentleman is so manifestly sensible that I do not see how any man can think otherwise.

[Here the gavel fell.]

Mr. MONTAGUE. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts [Mr. HEALEY].

Mr. HEALEY. Mr. Speaker, I merely want to reiterate the statement of one of the gentlemen who preceded me, that the argument made against this bill of the gentleman from Virginia was most unfair, for it brought in objections to another bill not under consideration at this time. The purpose, of course, was obvious.

This bill of the gentleman from Virginia for the creation of a judgeship in Virginia came before a subcommittee of the Committee on the Judiciary, which sat especially for the purpose of considering these various judgeship bills which have been introduced by Members of the House. I want to correct the statement that has been made previously that some of these bills were not even introduced by Members of the House. A check up I am confident will show that all these bills were introduced by Members of the House. This

bill was favorably considered by the subcommittee and reported to the full committee, by which it was presented to the House and passed by the House. Ample evidence was presented to the subcommittee and to the full committee to justify its favorable report for an additional judgeship in the ninth circuit. The Senate added on the two judgeships for California. The House Committee on the Judiciary has a number of these bills that have been presented by Members of Congress representing various States. The reason the bill for the California judges had not been previously reported to the House is due to the fact that the committee has not had the opportunity to study that particular bill. After reviewing the figures, however, the committee is convinced, and the chairman of the committee so stated in his speech, that California has made a showing that justifies the appointment of these judges.

As for the omnibus bill that may come up for consideration a little later, and which has been so unfairly and unjustly attacked, I merely want to make a brief statement. I introduced a bill for a judgeship in Massachusetts that was reported by the Judiciary Committee and passed by the House. The Senate added on the amendment, which will, if the conference report is adopted, make permanent 15 judgeships which are now temporary ones. This bill will not create a solitary new judgeship. We have a population of 4,300,000 in Massachusetts and have only two Federal district judges—fewer judges than any other State in this Union of even a comparable population. When the omnibus judgeship bill is presented to the House I am sure we can show sufficient justification for the adoption of the conference report which seeks to make permanent these temporary judgeships.

Mr. MONTAGUE. Mr. Speaker, I yield 3 minutes to the gentleman from Texas [Mr. McFARLANE].

Mr. McFARLANE. Mr. Speaker, so that we will clearly understand the matter before us, may I say that it involves the question of creating and making permanent four additional Federal judgeships? According to the Attorney General's report of 1934, page 187, it costs the Government an average of $71,425.06 for the operation of each circuit court and Federal district court we have today. We have 41 circuit judges and 150 district judges in the United States, Alaska, and District of Columbia, and to increase this number four will add an expense of $285,700.24 to the already overburdened taxpayers. These courts are not needed; what we should do is redistrict and put our present courts to work. The Attorney General's report shows there were 135,128 cases commenced in 1933 and only 70,111 commenced in 1934, while there were 138,598 cases terminated in 1933, and only 90,091 terminated in 1934. There were 82,839 cases left pending in 1933 and 62,832 left pending in 1934. If these courts had disposed of as many cases in 1934 as they did in 1933 they would have pending only 14,325 instead of 62,832, which was 20,007 cases less than there was left pending in 1933. If our present judges would stay on the job and work we would not need any new courts. If you will refer to the bill that will come up next, which is Senate 481, the omnibus court bill, it will be found that the bill makes permanent 15 additional district judgeships.

Mr. HEALEY. Will the gentleman yield?

Mr. McFARLANE. I yield to the gentleman from Massachusetts.

Mr. HEALEY. May I tell the gentleman, so that he will have the correct information, that it does not create a solitary new judgeship.

Mr. McFARLANE. Out of these 15?

Mr. HEALEY. Not one.

Mr. McFARLANE. That may be true, but the bill at least makes permanent 15 temporary courts that will expire with the death of the present occupant of the chair, and according to the records I have just quoted all of these courts should be allowed to expire. The big excuse for creating these courts back in 1921–22 was on account of prohibition. Now that prohibition has been repealed these courts should not be needed further. And according to the records these southern California judges have disposed of less cases the last 3 years than any other judges in the country except Iowa and Massachusetts.

I notice the bill provides for 2 for Massachusetts, 3 for New York, 1 for Pennsylvania, 1 for Michigan, 2 for Missouri, 1 for Ohio, another one for California, and they will get 3 out of this transaction; 1 for Minnesota; 2 for Texas; and 1 for Arizona.

So with all this logrolling, do not be surprised when the boys go to buttonholing you and saying, "Now, you scratch my back and I will scratch yours, and we will raid the Treasury for another $1,071,375.90 to create and make permanent these additional 15 judgeships", and all this when there has been no information given showing any justification for any such procedure. The Attorney General recommends two additional district judgeships for California and New York, but this pending bill gives California three additional judges and Virginia one, to say nothing of the omnibus bill that sprinkles 15 judgeships throughout the country as above indicated. Both of these bills should be defeated and save this $1,357,076.14.

[Here the gavel fell.]

Mr. MICHENER. Will the gentleman yield?

Mr. MONTAGUE. I yield to the gentleman from Michigan.

Mr. MICHENER. The gentleman from Texas [Mr. McFARLANE] said there has been no investigation made as to the number of cases tried, and so forth. I may say that this information was before the committee and is contained in the report of the Judicial Council, as well as the report of the Attorney General, which is in printed form. If the gentleman from Texas will refer to that report, he will find all the information which he seeks.

Mr. MONTAGUE. Mr. Speaker, I yield 1 minute to the gentlewoman from Arizona [Mrs. GREENWAY].

Mrs. GREENWAY. Mr. Speaker, if, quoting the gentleman from Texas, "they are ganging up" on the Virginia Federal judgeship, certainly they have been "picking" on Arizona. It would be thought that we were a trailer attached to an automobile bigger than the automobile itself. The answer to the question asked by the gentleman from Texas I hold in my hand, and if I had more than 1 minute I would give the House the full information.

To include Arizona as a State that might not need a second judge is unjust. These are the amazing and interesting figures: Based on the cases of the last 3 years, if Arizona is not given an additional judge, the one Federal judge will have an average of 1,109 cases a year, whereas the 3-year average for cases per judge, based on United States civil, criminal, and private cases, for 1932, 1933, and 1934 are as follows:

	3-year average	If Arizona excluded from proposed legislation	
		Number judges	Average per judge
Arizona	1,109	1	1,109
Minnesota	2,769	4	692
Massachusetts	1,603	3	534
Southern New York	9,367	11	851
Eastern New York	4,378	6	730
Western Pennsylvania	2,227	3	742
Eastern Michigan	2,653	4	663
Eastern Missouri	1,489	2	744
Western Missouri	1,874	2	937
Northern Ohio	1,788	3	596
Southern California	2,376	4	594
Northern Texas	3,070	3	1,023
Southern Iowa	491	1	491

Mr. MONTAGUE. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. TRUAX].

Mr. TRUAX. Mr. Speaker, I believe that I am the second Member of the House to speak on this bill who is not a lawyer. Perhaps it makes a difference in viewpoint. I may say that in the State of Ohio there is a population of 7,000,000 people. We have five United States district judges who are doing the work in Ohio and doing it well. Ohio does not need an additional United States district judge today. Ohio is not asking

for an additional judge. When these gentlemen say that the State of California, with a population of 6,000,000 people has eight Federal judges, in my humble opinion, an additional judge is not needed out there.

Mr. Speaker, I am in favor of the bill offered by the gentleman from Virginia. I offered an amendment to the bill when it was pending before this House, which amendment was voted down. I think the bill is a good, meritorious bill, and I would ask the distinguished gentleman from Virginia whether or not he would be willing to separate his bill from this other bill, which ignores all ethics of legislative procedure.

Mr. McFARLANE. Will the gentleman yield?

Mr. TRUAX. I yield to the gentleman from Texas.

Mr. McFARLANE. If we vote this down, we can send it to conference and work out a bill satisfactory to the gentleman from Virginia?

Mr. TRUAX. That is what we ought to do. Let us vote down the conference report and send it back from whence it emanated, and then we can adopt the bill as offered by the gentleman from Virginia, which ought to be adopted. We will then end once and for all this grab bag of judgeships by the other body of this Congress, which is unwarranted and unjustified. I say vote down the conference report.

All progressives and liberals in Congress should be unalterably opposed to the present system of creating judgeships, appointing judges, and countenancing their life tenure of office. They should be opposed to the creation of any new judgeships; they should be opposed to the rate of salary, namely, $10,000 per year. They should be opposed to any appointment that is effective for a period longer than 4 years. If they are appointed to terms longer than 4 years, as is now the case, they are not responsible to the common people. They are responsible only to their lifelong training and environment. They are responsible only to the cold analytical minds of their legal profession. They look not upon suffering humanity with sympathetic eyes. They view cases of human misery and suffering only through the yellow, musty pages of age-old law books and constitutions.

The legal fraternity invariably believes in and administers a government of the lawyers, by the lawyers, and for the lawyers. Many lawyers in Congress look upon such matters as only a means to an end for their own personal ambitions and desires. They look upon these measures as a vehicle which at some time can be used to transport themselves into a judicial court, sit upon a judicial throne, and reign there for life at $10,000 a year.

Never a thought give they to the real needs of their country. Never a thought do they exhibit for the problems of the wage workers, farmers, and soldiers. A bounteous fine salary of $10,000 a year for life does not tend to produce nor create humanitarians. It only tends to produce and perpetuate an oligarchy of the judiciary—a dictatorship of the courts—a regime of the courts, by the courts, and for the courts.

The overwhelming sentiments of the common people indicate that we now have too many judges. We ought to rid ourselves of some instead of adding more judges to the pay rolls. More than 150 United States district judges are sitting on the various benches of the country drawing salaries of $10,000 per year, yet we are confronted with the astounding knowledge that not one of these United States district judges voluntarily took a cut in his salary when the National Economy Act was passed by Congress which emasculated the pensions of war veterans and reduced the salaries of Federal employees. Personally, I objected not to the reduction in the salaries of Members of Congress. I did object to, and resented with all the forces at my command, the emasculation of pensions of war veterans. I am happy to state that I voted "r o" on the famous so-called "Economy Act", and voted upon each and every occasion for restoration of pensions of war veterans.

Not a single iota of evidence has been presented during the consideration of this bill to justify the need for additional judges in the State of California. I am told that the State of California now has eight such judges on the bench drawing salaries of $10,000 a year, and, if this bill is passed, the State of California will be given two more district judges making a total of 10 district judges drawing a salary of $10,000 per year for the State of California, with a population of 6,000,000.

I beg to contrast this unjustified situation with my own State of Ohio where the courts function well for 7,000,000 people with a total of five United States district judges on salaries of $10,000 per year. I am glad to state that as yet the Ohio courts have not nullified nor negatived the acts of Congress as has been done by judges in other States. The courts have set themselves up as the ruling bodies of the United States. They unconstitutionally and unjustifiedly set up their own dictatorship and take upon their shoulders the illegitimate power to veto the acts of Congress and the State legislative bodies.

I would have the people of this country know that we may expect other judicial bills from the Committee on the Judiciary. We must expect an omnibus bill that carries with it authorizations for the creation of 15 more United States district judgeships. That means that $150,000 per year burden will be added to the backs of the taxpayers. That means that 15 more lawyers of the country will be placed upon the judicial throne, that 15 more lawyers will be placed on the bench, where they can look with contempt upon the struggles of those who live by the sweat of their brows.

Your attention is directed to the undisputable fact that the prohibition era and the Hoover panic and its consequent prolonged depression are responsible for a large portion of the work performed by United States district courts today. Thousands of cases of equity, thousands of bankruptcy cases must come within their purview. With prohibition a thing of the past, with the country out on its way from the depression, with the farmers again rehabilitated, with workmen back at their jobs, then these Federal courts will not have half as much work to do as they have today.

It is a custom of the courts in this country to take arbitrarily a long summer vacation. Let these men work 12 months of the year as do men of other vocations, of other professions, of other businesses, then there will be no surplus of cases on their dockets, they will clean up their work. Let them work the same as others work and the surplus will be a thing of the past and there will be no clamor, hue, and cry for more judges at $10,000 per year holding office for life. Let our slogan be "Less judges, harder work, and more decisions in the interest of the common people." [Applause.]

[Here the gavel fell.]

Mr. MONTAGUE. Mr. Speaker, this is a rather anomalous situation, where everyone professes to favor the bill but wishes to kill it by a process of parliamentary legerdemain.

Of the merit of the bill there can be no dispute. The method by which additional judgeships got into the bill is aside the case. The merits of the bill itself, however, do not admit of any criticism. The California judges have been recommended by the highest judicial council of the Nation. Proper investigation has been made. That is true also of the circuit judge.

Mr. Speaker, so far as the district judge for my State is concerned, I do not desire to trespass upon the patience of the House any longer.

Mr. YOUNG. Will the gentleman yield?

Mr. MONTAGUE. I yield to the gentleman from Ohio.

Mr. YOUNG. I know this to be a fact, but I would like to ask the gentleman the question because he is a distinguished member of the Judiciary Committee. Is it not a fact that the two United States district judges for the northern district of Ohio disposed last year of more cases than any two of the present district judges for the southern district of California? If those judges out there would work more, judges would not be needed.

Mr. MONTAGUE. I answer the gentleman in this way: We cannot pass upon personal equations. Perhaps one man in this House does more work than four others.

Mr. YOUNG. If these California judges would do the work, they would not need to have intruded them on the gentleman's bill, which was a proper one.

Mr. MONTAGUE. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on the adoption of the conference report.

The question was taken; and on a division (demanded by Mr. YOUNG) there were—ayes 126, noes 22.

Mr. YOUNG. Mr. Speaker, I challenge the vote on the ground there is no quorum present.

The SPEAKER. Evidently there is not a quorum present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 254, nays 43, not voting 132, as follows:

[Roll No. 134]

YEAS—254

Adair	Dockweiler	Kahn	Ramspeck
Allen	Dondero	Kee	Randolph
Andrew, Mass.	Dorsey	Kennedy, Md.	Ransley
Arends	Doughton	Kenney	Rayburn
Arnold	Doxey	Kerr	Reed, Ill.
Ayers	Drewry	Kinzer	Reed, N. Y.
Bacharach	Driver	Knutson	Rich
Barden	Duffey, Ohio	Kocialkowski	Richardson
Beiter	Duffy, N. Y.	Kopplemann	Robertson
Biermann	Dunn, Pa.	Kramer	Robinson, Utah
Blackney	Eagle	Kvale	Robsion, Ky.
Bland	Eaton	Lambeth	Rogers, Mass.
Blanton	Eckert	Lanham	Rogers, N. H.
Boileau	Edmiston	Lea, Calif.	Rogers, Okla.
Boland	Ekwall	Lee, Okla.	Romjue
Boylan	Ellenbogen	Lehlbach	Russell
Brewster	Engel	Lemke	Ryan
Brooks	Evans	Lesinski	Sadowski
Brown, Ga.	Faddis	Lewis, Colo.	Sanders, Tex.
Brunner	Farley	Lord	Schaefer
Buchanan	Fenerty	Lundeen	Seger
Buck	Fish	McAndrews	Shanley
Buckbee	Flannagan	McClellan	Short
Buckler, Minn.	Focht	McCormack	Smith, Conn.
Caldwell	Ford, Calif.	McLaughlin	Smith, Va.
Cannon, Mo.	Ford, Miss.	McMillan	Smith, W. Va.
Carlson	Frey	Mahon	Snell
Carmichael	Fuller	Mapes	Snyder
Carpenter	Fulmer	Marshall	South
Cartwright	Gavagan	Martin, Colo.	Spence
Celler	Gearhart	Martin, Mass.	Stack
Chandler	Gilchrist	Mason	Steagall
Chapman	Gingery	Massingale	Stubbs
Christianson	Goodwin	Maverick	Sumners, Tex.
Church	Granfield	May	Taber
Citron	Greenway	Mead	Taylor, Colo.
Colden	Greever	Merritt, N. Y.	Taylor, Tenn.
Cole, Md.	Gregory	Michener	Terry
Cole, N. Y.	Guyer	Millard	Thomason
Colmer	Gwynne	Miller	Thurston
Connery	Halleck	Monaghan	Tinkham
Cooley	Hancock, N. Y.	Montague	Tolan
Cooper, Tenn.	Hancock, N. C.	Mott	Turner
Costello	Harlan	Murdock	Turpin
Cox	Hart	Norton	Umstead
Cravens	Harter	O'Day	Utterback
Crawford	Healey	O'Leary	Vinson, Ky.
Crosby	Hess	O'Neal	Wadsworth
Cross, Tex.	Higgins, Mass.	Owen	Warren
Crosser, Ohio	Hill, Ala.	Parks	Weaver
Crowther	Hill, Samuel B.	Parsons	Welch
Cullen	Hobbs	Patman	Werner
Daly	Hoeppel	Patterson	West
Darrow	Holmes	Patton	Whelchel
Deen	Hope	Pearson	White
Delaney	Huddleston	Peterson, Fla.	Whittington
Dempsey	Hull	Peterson, Ga.	Wigglesworth
Dickstein	Imhoff	Pfeifer	Williams
Dies	Jacobsen	Pierce	Wilson, Pa.
Dingell	Jenckes, Ind.	Pittenger	Wolcott
Dirksen	Jenkins, Ohio	Plumley	Wolfenden
Disney	Johnson, Okla.	Powers	Zimmerman
Ditter	Johnson, W. Va.	Rabaut	
Dobbins	Jones	Ramsay	

NAYS—43

Amlie	Hildebrandt	McKeough	Secrest
Boehne	Hill, Knute	Marcantonio	Smith, Wash.
Castellow	Hoffman	Mitchell, Tenn.	Tarver
Crowe	Kennedy, N. Y.	Moritz	Taylor, S. C.
Dietrich	Kloeb	Nelson	Tonry
Fiesinger	Kniffin	O'Connor	Truax
Fletcher	Lambertson	O'Malley	Wallgren
Gehrmann	Larrabee	Pettengill	Wearin
Gray, Ind.	Luckey	Polk	Young
Greenwood	Ludlow	Reilly	Zioncheck
Griswold	McFarlane	Sauthoff	

NOT VOTING—132

Andresen	Bankhead	Binderup	Brown, Mich.
Andrews, N. Y.	Beam	Bloom	Buckley, N. Y.
Ashbrook	Bell	Bolton	Bulwinkle
Bacon	Berlin	Brennan	Burch
Burdick	Gambrill	McLean	Schulte
Burnham	Gasque	McLeod	Scott
Cannon, Wis.	Gassaway	McReynolds	Scrugham
Carter	Gifford	McSwain	Sears
Cary	Gildea	Maas	Shannon
Casey	Gillette	Maloney	Sirovich
Cavicchia	Goldsborough	Mansfield	Sisson
Claiborne	Gray, Pa.	Meeks	Somers, N. Y.
Clark, Idaho	Green	Merritt, Conn.	Starnes
Clark, N. C.	Haines	Michell, Ill.	Stefan
Cochran	Hamlin	Montet	Stewart
Coffee	Hartley	Moran	Sullivan
Collins	Hennings	Nichols	Sutphin
Cooper, Ohio	Higgins, Conn.	O'Brien	Sweeney
Corning	Hollister	O'Connell	Thom
Culkin	Hook	Oliver	Thomas
Cummings	Houston	Palmisano	Thompson
Darden	Johnson, Tex.	Perkins	Tobey
Dear	Keller	Peyser	Treadway
DeRouen	Kelly	Quinn	Underwood
Doutrich	Kimball	Rankin	Vinson, Ga.
Driscoll	Kleberg	Reece	Walter
Duncan	Lamneck	Richards	Wilcox
Dunn, Miss.	Lewis, Md.	Rudd	Wilson, La.
Eicher	Lloyd	Sabath	Withrow
Englebright	Lucas	Sanders, La.	Wolverton
Ferguson	McGehee	Sandlin	Wood
Fernandez	McGrath	Schneider	Woodruff
Fitzpatrick	McGroarty	Schuetz	Woodrum

So the conference report was agreed to.

The Clerk announced the following pairs:

Until further notice:

Mr. Sullivan with Mr. Bolton.
Mr. Lucas with Mr. McLeod.
Mr. Starnes with Mr. Cooper of Ohio.
Mr. Fitzpatrick with Mr. Stewart.
Mr. Somers of New York with Mr. Hartley.
Mr. Buckley of New York with Mr. Perkins.
Mr. Burch with Mr. Doutrich.
Mr. Berlin with Mr. Bacon.
Mr. Rankin with Mr. Kimball.
Mr. Cochran with Mr. Carter.
Mr. Bloom with Mr. Hollister.
Mr. Scrugham with Mr. Burnham.
Mr. Sears with Mr. Maas.
Mr. Sutphin with Mr. Higgins of Connecticut.
Mr. Rudd with Mr. Tobey.
Mr. Oliver with Mr. Collins.
Mr. McSwain with Mr. Englebright.
Mr. Bulwinkle with Mr. Andresen.
Mr. Mansfield with Mr. Culkin.
Mr. Beam with Mr. Gifford.
Mr. Clark of North Carolina with Mr. McLean.
Mr. Cary with Mr. Treadway.
Mr. Darden with Mr. Wolverton.
Mr. Sandlin with Mr. Thomas.
Mr. Sabath with Mr. Reece.
Mr. Sisson with Mr. Burdick.
Mr. Woodrum with Mr. Woodruff.
Mr. Haines with Mr. Stefan.
Mr. Wilson of Louisiana with Mr. Withrow.
Mr. Kelly with Mr. Merritt of Connecticut.
Mr. Wilcox with Mr. Cavicchia.
Mr. Vinson of Georgia with Mr. Andrews of New York.
Mr. Thom with Mr. Schneider.
Mr. Green with Mr. Scott.
Mr. Fernandez with Mr. Richards.
Mr. Corning with Mr. Dear.
Mr. Nichols with Mr. Montet.
Mr. Claiborne with Mr. Mitchell of Illinois.
Mr. McGrath with Mr. Lamneck.
Mr. Bankhead with Mr. Brown of Michigan.
Mr. Casey with Mr. McGehee.
Mr. Moran with Mr. Clark of Idaho.
Mr. Cummings with Mr. O'Connell.
Mr. Sanders of Louisiana with Mr. Quinn.
Mr. Driscoll with Mr. Gambrill.
Mr. Sweeney with Mr. Gassaway.
Mr. Walter with Mr. Hamlin.
Mr. Kleberg with Mr. Underwood.
Mr. Keller with Mr. Hook.
Mr. Johnson of Texas with Mr. Hennings.
Mr. Gray of Pennsylvania with Mr. Goldsborough.
Mr. Houston with Mr. Schuetz.
Mr. Gasque with Mr. Ferguson.
Mr. Dunn of Mississippi with Mr. Lewis of Maryland.
Mr. O'Brien with Mr. Ashbrook.
Mr. McReynolds with Mr. Lloyd.
Mr. McGroarty with Mr. Bell.
Mr. Maloney with Mr. Gildea.
Mr. DeRouen with Mr. Gillette.

Mr. HARLAN changed his vote from "no" to "aye."

The result of the vote was announced as above recorded.

On motion of Mr. MONTAGUE, a motion to reconsider the vote by whom the bill was passed was laid on the table.

THE POLICIES OF THE ROOSEVELT ADMINISTRATION

Mr. TABER. Mr. Speaker I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. TABER. Mr. Speaker, where is America headed? What are her dictators doing to her? What are her dictators doing to the American workingman? Where is America's standard of living?

These are questions which it is time for patriotic Americans to talk about. These are questions to the seriousness of which the American people must be aroused if there is to be any liberty, if there is to be any security, if there is to be any opportunity for the man in America who wants to make something of himself by work, if we are to maintain the standards of living of America.

That the policies of the Roosevelt administration would throw us into a panic, the like of which this country had never seen, began to be evident by January 1, 1933. That such policies were deliberately designed to create that situation did not appear so clear at the time. It simply appeared that there was a lack of a sense of responsibility, a lack of balance, a lack of appreciation of the campaign promises of stable constitutional government which Roosevelt had made on the stump in the 1932 campaign and to which the old-fashioned Democratic Party was always committed. It became apparent after the inauguration on March the 4th that an attempt was to be made by the administration to create a dictatorship, to take away from the Congress all of its authority and have it delegated to the President.

A frightened Roosevelt administration did pass the Emergency Banking Act and other bills to reduce the expenses of the Government, which, in a measure, caused a business upturn in May and June 1933, but on May 12, 1933, the A. A. A. bill was passed and on June 16, 1933, the N. R. A. bill was passed, delegating enormous powers to the Executive and making him practically a dictator and fooling away billions of dollars of the people's money.

On July 7, 1933, the A. A. A. was proclaimed effective. Processing taxes were levied on farm products despite the fact that Mr. Roosevelt had many times said there never should be taxes on food or clothes, and in 3 weeks the price of wheat dropped from $1.25 a bushel to 95 cents, just the amount of the processing tax.

On July 15, the N. R. A. was proclaimed. The N. R. A. created an overlordship of business. It raised prices, stopped production, threw many out of work, and reduced the size of the pay envelops of those whose jobs were left. During all of these times the number of people out of work has increased. On July 15, 1933, the publication, Weekly Survey of Current Business, published by the United States Department of Commerce, showed for business activity a figure of 100, from a low of 60 in March 1933. From July 15, 1933 on, there was a continuous decline until on November 1, 1933, it had reached a figure of 70. There was a slight increase in the rest of 1933 and through 1934 the figure hovered around 80. At the end of 1934 the figure became about 83. It started in 1935 with a little higher level, but it has now gone down to practically 80 and the business activity curve is now below both the 1933 and 1934 levels for this month. Unemployment figures are at their highest. Relief expenditures will this year reach a figure of $150,000,000 for the month of June 1935, as against approximately $100,000,000 in 1934.

Relief is administered in a high-handed, political, extravagant, and thoroughly incompetent manner. It is carried on with the idea of preventing the people from going to work. If we could have relief administered by local people unhampered by the high-handedness and the proven incompetence of Harry Hopkins we could better meet the needs of the people and save money.

We now have a scheme of spending $2,000,000,000 putting people to work on foolish projects which are not useful, under the leadership of Harry Hopkins, the renowned Socialist. This will further demoralize our people, because when a man is working at something that is not useful he has no heart in it. It has a worse effect on the morale of the people even than direct relief.

The number of people upon relief has risen from a figure of 15,750,000 in March 1933, to 22,000,000 in March 1935, and it cannot be much below that now. This administration is completely destroying the morale of our people, destroying their reserves set up for old age and emergencies, and throwing them bodily on relief.

To make this situation more acute, the administration, with the deliberate idea of throwing more people out of work has entered into reciprocal-trade agreements with other countries to let their farm products and other goods into this country at lower rates of duty, and has thereby thrown more people out of work. The purpose of this reciprocal-tariff scheme, according to Secretary Wallace, as appears in his testimony before the Ways and Means Committee on the 8th of March 1934 on pages 45 to 61 of the hearings, was to get rid of those industries which paid higher wages than were paid in foreign countries for the same work.

At the same time that the A. A. A. is attempting to reduce production of cotton, corn, and wheat, the Senate is passing a bill designed to appropriate $1,000,000,000, and add that to our debt, to set up the tenant farmers in business so they can raise more wheat, cotton, and corn. We are also having many hundreds of millions of dollars fooled away on irrigation projects designed to put more land under cultivation to raise corn, cotton, and wheat. This is but evidence of the contradictory policies of the Roosevelt administration.

Roosevelt promised us economy. He has spent, in a little over the 2 years since his inauguration, approximately $16,000,000,000, and this includes the postal deficiency, but not the postal-revenue expenditures; and the revenues of the Government in that time have been less than $7,000,000,000. We have added to the national debt approximately $9,000,000,000, and he still has appropriated and unexpended, which the people will have to pay, $12,000,000,000. This has completely unbalanced the Budget. He has not had the courage to place the taxes on the people to make these expenditures. Every foolish move he has made has prevented business from providing employment; has prevented the people from having work.

The taxes he has proposed will not raise any revenue whatever, but will drive the wealthy out of productive enterprise which provides work for the people into tax-exempt securities. This is not the way to provide employment for the people, but the way to drive them out of work.

If the people are to have better houses to live in, if they are to have more to eat, if they are to have better clothes to wear, and more comforts, it must come as a result of a policy which will provide private employment. Today, if we would stop the foolish Government expenditures, balance the Budget with taxes, and stop doing the foolish things which destroy our farmers and our working people, the improvements required upon industrial plants alone would run five times the foolish expenditures made by the Government to demoralize our people.

What Roosevelt terms reform is in most cases not reform but schemes to wreck business and keep people out of work.

I charge, because there is no other explanation for the operations of the Roosevelt administration, that the efforts of President Roosevelt have been directed deliberately toward those policies which would naturally destroy confidence, throw people out of work and on relief, establish communism and State ownership of all endeavor, but most of all, establish a dictatorship with Franklin D. Roosevelt as dictator.

Where, I ask, is there a place for a labor union in a dictatorship; where is the opportunity for the workingman to have a job; where is the opportunity for the workingman to improve his conditions? He and everyone else will be a slave, just as they are in Russia. Is it not time for the people in America to arouse themselves, throw off the yoke that binds them, demand their liberty, give the farmer an opportunity to operate his business at a profit, and instead of having fake measures for relief of farmers have those that will accomplish something and not destroy them. Now is the time for every good American to come to the aid of his country and take his place and bear his share of the responsibility of citizenship. Throw off the Roosevelt yoke and stand for the improvement and recovery of America.

RELIGIOUS STATUS OF AMERICAN CITIZENS RESIDENT IN MEXICO

Mr. HIGGINS of Massachusetts. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. HIGGINS of Massachusetts. Mr. Speaker, on July 16 a petition for an inquiry by the United States into the religious status of American citizens resident in Mexico was presented to the Honorable Franklin D. Roosevelt, President of the United States, by a delegation representing 250 Members of the House of Representatives. The text of this petition reads as follows:

TEXT OF PETITION

At the present time it is reported that there are 14 States in the Republic of Mexico where no minister of religion, be he Christian or Jew, is permitted to exercise his sacred functions. Taking cognizance of this condition, the British Secretary of State for Foreign Affairs, Sir John Simon, has promised the members of the House of Commons that he would interest the British Minister at Mexico City, as well as the British consular officials throughout the aforesaid 14 States of Mexico, to institute an inquiry as to the facilities for Divine worship available to British citizens resident in or visitng these communties.

In view of the fact that there are more American citizens of all denominations than there are British citizens, both resident in and visiting the 14 States where no minister of religion is permitted, the question naturally arises whether a similar inquiry might not be made in the Republic of Mexico through the American Embassy and the American consular officials. The undersigned Members of Congress, together with the full membership of the committee, believe that some simple and constructive measure ought to be taken in order to ascertain the facts on this situation, evidencing an affirmative interest in the religious rights of American citizens of all faiths and creeds.

MEMBERS OF DELEGATION WHO VISITED THE WHITE HOUSE

The members of the committee which presented this petition at the White House were: Representatives JOHN P. HIGGINS, of Massachusetts, chairman, and CLARE GERALD FENERTY, of Pennsylvania, co-chairman; WILLIAM M. CITRON, HERMAN P. KOPPLEMANN and JAMES A. SHANLEY, of Connecticut; JOHN J. BOYLAN, EMANUEL CELLER, JAMES M. MEAD,

RICHARD J. TONRY, HAMILTON FISH, Jr., and THOMAS H. CULLEN, of New York; JOHN W. MCCORMACK, GEORGE HOLDEN TINKHAM, WILLIAM P. CONNERY, and ARTHUR D. HEALEY, of Massachusetts; PETER A. CAVICCHIA and EDWARD J. HART, of New Jersey; J. BURRWOOD DALY, of Pennsylvania; JOHN D. DINGELL and ALBERT J. ENGEL, of Michigan; RAYMOND S. MCKEOUGH, of Illinois; MARTIN L. SWEENEY, of Ohio; and RICHARD J. WELCH and JOHN M. COSTELLO, of California.

In presenting this petition, the committee also gave President Roosevelt a rather lengthy memorandum, prepared by Representatives JOHN P. HIGGINS, of Massachusetts, and CLARE GERALD FENERTY, of Pennsylvania, co-chairman of the voluntary House committee interested in this cause. The text of this memorandum reads as follows:

MEMORANDUM TO THE HONORABLE FRANKLIN D. ROOSEVELT, PRESIDENT OF THE UNITED STATES, WITH RESPECT TO THE PETITION OF THE MEMBERS OF THE VOLUNTARY CONGRESSIONAL COMMITTEE ON MEXICO WITH PARTICULAR REFERENCE TO THE RELIGIOUS RIGHTS OF AMERICAN CITIZENS

(By JOHN P. HIGGINS (D), of Massachusetts, and CLARE GERALD FENERTY (R), co-chairman, Pennsylvania)

The first point which our committee wishes to emphasize is that we come as champions of religious liberty in behalf of all groups and denominations in Mexico, especially wherever the religious or educational rights of our American citizens have been violated. In other words, our representations are not made in the name of one particular group but in the name of all those who believe in God and feel the conscientious obligation to worship the Supreme Being. The movement in Mexico has been admirably pointed out in a recent statement by Dr. Charles S. MacFarland, secretary general emeritus of the Federal Council of Churches of Christ in America, when he says that the persecution is not anti-Christian or anti-Jewish but anti-God. It is a direct assault upon the fundamental rights of conscience.

In order to illustrate this point, the members of our committee direct attention to the fact that more than two-thirds of the 250 signatures upon our petition, a copy of which is attached, which calls for an inquiry as to the facilities available for religious worship by Americans in 14 States in Mexico, are those of Protestant and Jewish Congressmen. These gentlemen evidently agree with the editorial judgment of the organ of the Episcopal Church in this country, which recently declared that the anti-God movement undertaken by the Mexican Government was "a major scandal in world affairs." Numerous Members of Congress have studied the editorials that have appeared in the Christian Index of Georgia, the Christian Century, and the American Hebrew, as well as the formal statement of the National Council of Jews and Christians, and are convinced that the atheistic drive in Mexico is a matter of international concern, especially where it infringes upon the rights of American citizens who desire to worship God according to the dictates of their conscience.

Mr. President, although this committee is convinced that numerous, sincere, and salutary efforts have been made by the American Government in order to bring the Mexican Government to a full realization of the gravity of this problem, the members of the committee, nevertheless, feel obligated to voice their concern that absolutely nothing of an official public character has been put on record to show American concern for the traditional American principle of religious liberty; particularly where the rights of American citizens are involved. This concern, it may be added, is being felt with an increased depth of conviction by all classes and denominations in continental United States. As one of our members express the gist of our position to the Honorable Cordell Hull, American Secretary of State, it is the deeply rooted conviction of the members of this committee that there should be on record some overt statement or public statement which would clearly indicate in the eyes of our own people and to the expectant gaze of the civilized world that the American Government is entirely disassociated from the official persecution of religion in Mexico. It is the belief of our committee that this public statement can be couched in such friendly, courteous, and dignified language that no possible offense can be taken by any official of the Mexican Government. Far from endangering the good-neighbor policy so carefully developed by the United States Department of State, under your administration, Mr. President, this public championing of the principle of religious liberty would win the most cordial admiration both from the vast bulk of the Mexican people and from the populations of all the other Latin American nations.

Above all, Mr. President, the committee is unalterably opposed to any semblance of interference or intervention in Mexico. This is a question of the moral vindication of an ethical principle. The members of our committee desire that American intervention of whatever character should be stopped immediately. There is an impression in many quarters that there has been intervention of an undesirable character, in the sense that an attempt has been made to block the efforts of those interested in this campaign for human rights. It has been publicly charged and never denied that the administration gave orders that there would be no hearings either on the Borah resolution or on any other of the Mexican resolutions now apparently buried in committee in both the House and the Senate. These are indications that, as far as the public is concerned, the United States Government has scarcely manifested an attitude of neutrality, but has actively taken one side as against the other. That the best of intentions have motivated this policy we have no doubt, but with all possible deference and respect it is our duty to submit for your consideration the express conviction of a majority of your Congress that representations, unofficial and discreet in intent, are not enough. In order to illustrate that the desires of the committee are reasonable, fair, and temperate, I am taking the liberty to submit, Mr. President, drafts of proposed public statements that, in the judgment of the full membership of our committee, would effectively give public notice to the world and to Mexico that the American Government is vitally interested in the principle of religious liberty.

"The Government or the United States has not assumed to dictate the policy of other nations, or to make suggestions as to what the municipal laws should be or as to the manner in which they should be administered. Nevertheless, the mutual duties of nations require that each should use its power with due respect for the result which its exercise will produce on the rest of the world. It is in this respect that the religious conditions prevailing in Mexico whether they regard Protestant, Catholic, or Jew, are brought to the attention of the United States. It is an accepted practice under international law for one nation to use its good offices with a view to remove obstacles that may affect the cordiality that should exist between friendly governments and peoples.

"I am fully aware that millions of American communicants of all denominations view with increasing apprehension the existence of religious disabilities in our sister Republic of Mexico.

"I believe that the common consent of mankind and the better universal public opinion favor the utmost development of religion with the fullest opportunities for its teachings and practices, and I earnestly vouchsafe the hope that this idea will find even greater unanimity in the family of nations."

When diplomatic messages such as those outlined above are dispatched in a spirit of friendship to another sovereign nation, there is no reasonable ground for supposing or alleging that intervention or interference is contemplated. This has been made clear in recent days by the statesmanlike, diplomatic representations by the Honorable Cordell Hull, American Secretary of State, to the Ambassador of the Royal Italian Government. Was there a single voice raised in protest against this act of diplomatic procedure? What critic dares to raise the cry of "intervention" or "interference?"

To be sure it will be alleged in support of the procedure in this instance, that the American Secretary of State was justified primarily on the basis of the Kellogg Pact, but our committee believes that there are treaty provisions between the United States and Mexico which furnish a similar basis for remonstrance and protest. The terms of the Mexican agreement, guaranteeing full religious liberty as a condition of recognition, are quoted in the CONGRESSIONAL RECORD (Apr. 25, 1935, p. 6431).

On the other hand it is a matter of recorded history that this administration did actually inspire a demonstration of Senatorial protest against the persecution of Jews in Germany, on June 10, 1933, when eight United States Senators, led by the leader of the Democratic majority, the Honorable JOSEPH T. ROBINSON, and admittedly in the language of the Honorable J. HAMILTON LEWIS, administration whip, acting under instructions from the administration, rose in indignation in the Senate to denounce the religious intolerance in Hitler's Germany. No one on that occasion, Mr. President, suggested or spoke of "intervention" or "interference." In general, it may be said that this was regarded as an intelligent act of high-minded statesmanship. In the light of these precedents, Mr. President, is it not fair to inquire, with every mark of deference and respect, why the same administration should now discourage efforts to bring about a public protest?

Indeed the contrast in the administration attitude, both in regard to Ethiopia and Germany, is so marked that suspicion has been aroused that peradventure Your Excellency has been partially misled as to the wishes of the religious leaders who are interested in this problem. Foreseeing the possibility of such a misunderstanding, we, as chairmen of this committee have brought with us letters and statements from prominent prelates and religious authorities of many denominations.

From these declarations it must be clear that the leaders are not satisfied with a policy of official silence. In order not to burden Your Excellency with lengthy citations, we quote only one letter, couched in the most emphatic and striking language by an American cardinal, a prince of the church, known for his intellectual ability and love of the spirit of universal charity. His words on the subject are clear and unmistakable:

"If a great many more were to do what you have done, the Washington administration might, by this time, have done something for Christians and Jews in that unhappy land. Sooner or later right will prevail; but no thanks should be due to those in Washington who have shirked their duty, and will be remembered for their failure to act."

As for the argument that the Mexican Government wishes to save its honor in coming to an agreement on religious questions, it may be pointed out that the indulgence and the silence of the United States for 20 years have not borne such fruit as may be desired but that on the contrary the Mexican governmental attitude toward all religions has continued almost daily to go from bad to worse. Eight months ago, Mr. President, the brunt of the persecution in Mexico was centered against the Catholic church. Now it has become as violently anti-God as the governmental attitude in Soviet Russia.

Consequently, Mr. President, the members of this committee believe, basing their appeal on numerous precedents in the office of the American Secretary of State and submit as their deliberate judgment the opinion that official silence is neither an adequate remedy for the evils they deplore, nor an honorable position of this Government to maintain. In our judgment, the time has come to publish to the world our deep concern in this question of the rights of conscience. In our judgment, the irreducible minimum which can be expected, in default of some public pronouncement, is to give official instructions from the United States Department of State to the American embassy and the American consular offices in Mexico to the effect that the inquiry suggested in the congressional petition be undertaken without delay. This would make it clear in the words of the petition itself that the group representing the United States of America wishes to evidence "an affirmative interest in the religious rights of American citizens of all faiths and creeds."

The committee believes that this is an eminently fair, moderate, and reasonable request. It further believes that, if acted upon favorably, it will prove by its beneficial results to have been an intelligent act of high-minded statesmanship.

RESPONSE OF PRESIDENT ROOSEVELT

In response to this petition and this statement, prepared by the chairman of the committee, President Roosevelt, himself, wrote out the following memorandum for the Members of Congress and for the press. The memorandum reads:

The President stated that he is in entire sympathy with all people who make it clear that the American people and the Government believe in freedom of religious worship, not only in the United States but also in all other nations.

HAS CONGRESS ABDICATED?

Mr. MOTT. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by including therein a radio address made by myself on the 5th of July.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. MOTT. Mr. Speaker, under the leave to extend my remarks in the RECORD I include the following address which I delivered at Washington, D. C., over the National Broadcasting Co. network on July 5:

The life of the United States as a nation began and has continued under the particular form of government which we now have. It is a form of government which obtains nowhere else on earth. Although it is less than 150 years old, it has endured longer without change in form than any other government in the world. Under it the people of the United States have grown to be the richest, the most powerful, the freest and the most secure of all people of the earth. If there are those who have been inclined to doubt this during the recent years of the depression the most unfortunate of them need only to compare their lot with that of the people of other countries during the same period.

Under our form of government the people themselves, who are the real rulers and from whom all governmental authority is derived, have always been able to meet and solve every problem and every crisis that has risen in our Nation's life. They will continue to do this, in my opinion, so long as they maintain the form of government which has enabled them to do it in the past, and they will solve our present problems if only they will not depart from that theory and that system of government which for 150 years has been distinctly and uniquely their own.

The form of our government is that prescribed by the Constitution, which is the fundamental law of the land and which was made and adopted by the people themselves. It is a grant of limited power from the people to the Federal Government. The Constitution of the United States proceeds upon the theory that all governmental authority is vested in the people and that the exercise of that authority shall be at all times in control of the people. In order to insure this the Constitution has provided that the power granted under it to the Federal Government shall be exercised through the agencies of three separate and distinct departments or branches, each having its own exclusive jurisdiction and function, and that the authority of one branch may not trespass upon or interfere with the function or authority of the others.

The first branch of this governmental agency is the legislative branch, which is composed of a Congress of elected representatives or agents of the people in whom is vested the sole duty and responsibility of making the law. The members of this branch of the Federal Government, both in the House and Senate, are responsible directly to the people who elect them and to no one else.

The second branch of Federal Government is the executive branch, consisting of a President, who is elected by the people, and of the several hundred executive officers ranging from Cabinet members down through the bureau chiefs, department heads, etc., who are appointed by and are responsible to the President. It is the duty of the executive department of the Government to administer the law which the Congress makes. The President is also authorized to recommend legislation for the consideration of Congress and is given the conditional power of the veto which, however, may be overridden by a two-thirds majority of the Congress. So that the full lawmaking authority of the Federal Government always remains in Congress.

The third branch of the Federal Government is the judicial branch, at the head of which is the Supreme Court of the United States. It is the duty of the Supreme Court to interpret the law and to see to it that both the law itself and the administration of it are within the limitations prescribed by the Constitution.

The necessity for a judicial or law-interpreting branch of the Government arises from the fact that the people of the United States in setting up the machinery of Federal Government gave to the Federal legislature only limited lawmaking power. They granted to Congress the right to make certain kinds of law and prohibited it from making certain other kinds. Within the limitations of the Constitution, however, the lawmaking jurisdiction of Congress is not only supreme but exclusive. This constitutional grant of authority from the people to the Federal Government, let me repeat, is limited by the terms of the Constitution. That instrument gives to the Federal Government the right to exercise only a part of the whole governmental power belonging to the people and provides that all power not expressedly granted by the Constitution to the Federal Government shall be vested in the States or in the people themselves.

The power vested in the President by the Constitution is likewise limited. Therefore, whatever may be the case in other governments, under our own system it is absolutely indispensible that there be a law-interpreting branch with authority, in any case directly affecting the constitutional rights of the people, to declare whether an act of the Congress or an action of the President was such an act or action as the people's constitution permits.

The Constitution of the United States is based upon the fundamental theory that ours is a Government of law and not of men. It, therefore, denies to officers of the Federal Government, who are simply agents of the people, any power whatever except that given them by law. Furthermore, it denies to an executive officer any power to make the law which he is charged with administering, and it denies to a legislative officer any power to administer the law which he makes. This is a part of the theory of checks and balances, which is the heart of the Constitution, and the strict aderence to which during the 150 years of our national existence has been responsible not only for the stability of the Government but for the retention of governmental authority in people.

Since the World War, and particularly since the beginning of the world-wide depression which followed the war, there has been a growing tendency on the part of executive officers of governments throughout the world to subordinate the legislative branches of those governments to the executive branch. In several European countries this form of executive usurpation has gone so far that parliamentary government has disappeared altogether and the chief executives of those countries at present not only administer the law but also make it.

The question is repeatedly asked whether the Government of the United States has been able to escape this modern tendency to subdue the power of the lawmaking branch of the Government and to concentrate all authority in the executive department. Since it is obvious that under our form of Government the Chief Executive cannot usurp legislative power unless the Congress itself surrenders that power to him, let us try to answer this question first by inquiring by what methods, if any, it is possible for Congress to do this.

There are three methods by which Congress may abdicate its lawmaking power. The first is by enacting only those laws which the President demands and by refusing to permit consideration of any others. The second is by allowing the President himself, or some of his appointees in the executive departments, to actually write the law and then to have the Congress go through the legal formality of enacting it. The third method is by granting to the President the power to make law himself upon certain subjects through the issuance of orders or proclamations having the force and effect of law. All of these methods of abdicating its power is forbidden to Congress by the Constitution. Therefore, if the Congress has done any of these things it is obvious that to the extent it has done them it has abdicated its lawmaking power to the President.

With a very few exceptions no major laws have been enacted during the present administration except those which have been specifically demanded in messages sent to the Congress by the President. Of the small number of important bills passed without the President's orders most have been promptly vetoed, and the administration majority in Congress is so overwhelming that the overriding of a veto in the Seventy-third and Seventy-fourth Congresses has been practically impossible. There are many important bills now lying in committees which have been introduced by individual Members in pursuance of their constitutional duty and responsibility as lawmakers. The enactment of some of these bills has been long demanded by millions of people of the United States, and in the case of at least one of such bills the legislatures of a majority of the States have formally petitioned Congress to enact it. Yet until the President says that he wants any or all of these laws enacted there is not the remotest possibility of their being considered even by a committee of Congress. In the Congress of the United States the majority is supreme, and when that majority numbers more than 3 to 1 and when it is dominated by the wishes of the Executive administration in power, the right of the minority for all practical purposes of lawmaking is done away

with whenever the desires of the minority conflict with the personal views of the Chief Executive.

Thus through Executive domination of the legislative majority the Congress has progressed far along the road to abdication under the first method I have mentioned.

Again, with but a few exceptions, no bill of major importance enacted during the present administration has been written or drafted or even conceived by an individual Member of Congress or by any committee of Congress. Practically all have been prepared by executive officers of the Government, who are not responsible either to the Congress or to the people. When a bill thus prepared is ready for introduction it is sent by the executive department to the chairman of the committee of Congress which is to report it to the House, and the chairman's name is then printed on the bill as the author of it. Important legislation sent to committee in this manner has been reported to the House without any consideration worthy of that name, without changing a single line or word and under gag rules which have been forced upon the House by the majority party. Under these gag rules no amendment to the bill is permitted. All of this has been done at the demand of the President, whose leaders on the majority side see to it that his orders are carried out by their followers. In this manner the second method of abdication is being effected.

Executive usurpation of legislative power is carried further by the enactment of laws giving to the President authority to make law himself upon certain subjects without consulting Congress at all. Examples of this have been the Economy Act, the Tariff Act of 1933, the Taylor grazing bill, the Bankhead cotton bill, and many others, all of which give the President power to make law. In the 1933 Tariff Act, for example, the Congress surrendered to the President practically all of its effective tariff-making power by authorizing the President, in his own discretion, to raise or lower any existing tariff by 50 percent, merely by issuing an Executive order to that effect.

It must be obvious to all thoughtful people that if this process of abdication is carried to its ultimate and logical conclusion, it will be only a matter of time when there will be no more lawmaking power left in Congress, and that when that time comes there will be no reason for continuing to have a legislative branch of the Government at all. That point has already been reached in other countries, notably in Italy and in Germany, whose parliaments, having abdicated completely to the chief executives of those nations, have been dissolved altogether.

The question now naturally arises: Who is responsible for this situation which is undermining the very foundation of our system of government, and what can be done about it?

The responsibility for this gradual abdication of Congress lies with the people themselves. In their despair during the recent depressing years and in their desire to find a short cut to the solution of their economic problems, the people of this country have unconsciously allowed themselves to follow the example of the people in Europe and to try the experiment of government by men instead of government by law. They did this by electing to the Congress of the United States an overwhelming majority of men whose very campaign pledges should have disqualified them in the eyes of the people as Federal lawmakers under our system of government.

These men did not pledge themselves to make law. They did not pledge themselves even to carry out the declarations of their own party platform in regard to the kind of law that should be enacted. Instead they pledged themselves, as Members of the lawmaking body, to support the head of the executive department of the Government, and to support him 100 percent. I repeat that such a pledge disqualifies its maker for a seat in the lawmaking branch of the Government. A pledge of this kind may be a proper pledge for a Cabinet officer to make, or for any other officer in the executive branch of the Government who is appointed by the President and is responsible to him. But when a Member of the legislative branch makes that pledge he precludes himself in advance from functioning as a legislator, because by it he pledges himself to enact only such a law as the President may want.

As the responsibility for this situation lies with the people so also does the remedy. The Constitution, as I have said, vests all governmental power in the people. It is for the people to say whether they want a Congress of their own representatives who are pledged to perform their constitutional duty and responsibility as independent lawmakers, or whether they want a Congress composed of a majority which has pledged itself in advance not to do that. The representatives of the people who framed the Constitution knew, of course, that the people themselves would sometimes make mistakes. Wisely they provided in that document a speedy and convenient method for the people to correct their mistakes. That method is the constitutional provisions for frequent elections. If the people decide they have made a mistake in allowing their representatives in Congress during the past 3 years to depart from that adherence to our form of government which the Constitution requires they may correct that mistake when again the time comes for them to select those who are to represent them in the lawmaking body of their country.

Mrs. GREENWAY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include certain statistics showing the need of an additional judge in Arizona.

The SPEAKER. Is there objection to the request of the gentlewoman from Arizona?

There was no objection.

COMMITTEE ON ACCOUNTS

Mr. WARREN. Mr. Speaker, I ask unanimous consent that the Committee on Accounts may sit tomorrow during sessions of the House.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

STANDARDS OF CLASSIFICATION FOR TOBACCO

Mr. SMITH of Virginia. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 294.

The SPEAKER. The gentleman from Virginia calls up a resolution which the Clerk will report.

Mr. McFARLANE. Mr. Speaker, I make the point of no quorum.

The SPEAKER. The Chair will count.

Mr. McFARLANE. Mr. Speaker, I withdraw the point of no quorum.

The Clerk read as follows:

House Resolution 294

Resolved, That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for consideration of H. R. 8026, a bill to establish and promote the use of standards of classification for tobacco, to provide and maintain an official tobacco inspection service, and so forth. That after general debate, which shall be confined to the bill and shall continue not to exceed 1 hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment the Committee shall rise and report the same to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER. The question is on the adoption of the resolution.

Mr. McFARLANE. Mr. Speaker, I make the point of no quorum.

The SPEAKER. Evidently there is not a quorum present.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 884. An act for the relief of Lt. Comdr. G. C. Manning.

BILLS PRESENTED TO THE PRESIDENT

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H. R. 298. An act for the relief of Jack Page; and

H. R. 617. An act for the relief of Lake B. Morrison.

ADJOURNMENT

Mr. TAYLOR of Colorado. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 17 minutes p. m.) the House adjourned until tomorrow, Thursday, July 18, 1935, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

427. A letter from Vice Chairman of the Federal Power Commission, transmitting three copies of the domestic and residential electric energy rates in the States of Alabama, Arizona, New Jersey, and Tennessee on January 1, 1935; to the Committee on Interstate and Foreign Commerce.

428. A letter from the Vice Chairman of the Federal Power Commission, transmitting three copies of the domestic and residential electric energy rates in the States of Indiana, Kentucky, Minnesota, and North Carolina, January 1, 1935; to the Committee on Interstate and Foreign Commerce.

429. A letter from the Vice Chairman of the Federal Power Commission, transmitting three copies of the domestic and residential electric energy rates in the States of Georgia, Kansas, Virginia, and Wisconsin on January 1, 1935; to the Committee on Interstate and Foreign Commerce.

430. A letter from the Vice Chairman of the Federal Power Commission, transmitting three copies of the domestic and residential electric energy rates in the States of Florida, Montana, and South Dakota on January 1, 1935; to the Committee on Interstate and Foreign Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. CULLEN: Committee on Ways and Means. H. R. 8870. A bill to further protect the revenue derived from distilled spirits, wine, and malt beverages, to regulate interstate and foreign commerce and enforce the postal laws with respect thereto, to enforce the twenty-first amendment, and for other purposes; without amendment (Rept. No. 1542). Referred to the Committee of the Whole House on the state of the Union.

Mr. COLDEN: Committee on the Disposition of Executive Papers. House Report 1543. Disposition of useless papers in the Federal Emergency Relief Administration. Ordered to be printed.

Mr. O'CONNOR: Committee on Rules. House Resolution 300. Resolution providing for the consideration of House Joint Resolution 348; without amendment (Rept. No. 1544). Referred to the House Calendar.

Mr. HOLMES: Committee on Interstate and Foreign Commerce. H. R. 8857. A bill authorizing the States of New York and Vermont to construct, maintain, and operate a toll bridge across Lake Champlain between Rouses Point, N. Y., and Alburg, Vt.; with amendment (Rept. No. 1545). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. HOEPPEL: Committee on War Claims. H. R. 381. A bill granting insurance to Lydia C. Spry; without amendment (Rept. No. 1546). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. FULMER: A bill (H. R. 8886) to authorize the coinage of 50-cent pieces in commemoration of the sesquicentennial anniversary of the founding of the city of Columbia, S. C.; to the Committee on Coinage, Weights, and Measures.

By Mr. KELLER: A bill (H. R. 8887) to extend the time within which suits may be brought on yearly renewable term insurance, and for other purposes; to the Committee on World War Veterans' Legislation.

By Mr. CROSS of Texas: A bill (H. R. 8888) making it a felony for anyone to sign any fictitious name or the name of another without his or her consent to any written instrument the intent of which is to influence the vote of any Member of Congress for or against any pending legislation and to convey or cause the same to be conveyed to any Member of Congress as well as anyone who conspires in having same done, and assessing the penalty therefor; to the Committee on the Judiciary.

By Mr. DIMOND: A bill (H. R. 8889) to extend certain provisions of the act of June 18, 1934 (48 Stat. 984), to the Territory of Alaska, to define the boundaries of Indian reservations in Alaska, and for other purposes; to the Committee on Indian Affairs.

By Mr. PEYSER: A bill (H. R. 8890) for the erection of an airport on Governors Island; to the Committee on Military Affairs.

By Mr. HIGGINS of Connecticut: A bill (H. R. 8891) to provide for the acquisition of additional land at New London, Conn.; to the Committee on Military Affairs.

By Mr. WHITTINGTON: A bill (H. R. 8892) to modify and extend the project for the flood control and improvement of the Mississippi River authorized by the Flood Control Act of 1928; to the Committee on Flood Control.

By Mr. BEITER: Resolution (H. Res. 298) authorizing the appointment of a committee to investigate waterway conditions in central New York; to the Committee on Rules.

Also, resolution (H. Res. 299) providing for the expenses of conducting the investigation authorized by House Resolution 298; to the Committee on Accounts.

By Mr. PETERSON of Florida: Joint resolution (H. J. Res. 356) to permit articles imported from foreign countries for the purpose of exhibition at the Pan American Exposition to be held in Tampa, Fla., to be admitted without payment of tariff, and for other purposes; to the Committee on Ways and Means.

Also, joint resolution (H. J. Res. 357) providing for participation by the United States in the Pan American Exposition to be held in Tampa, Fla., in commemoration of the four hundredth anniversary of the landing of Hernando De Soto in Tampa Bay; to the Committee on Foreign Affairs.

By Mr. AYERS: Joint resolution (H. J. Res. 358) to further the development of a national program of land conservation and utilization; to the Committee on Agriculture.

By Mr. COFFEE: Joint resolution (H. J. Res. 359) to further the development of a national program of land conservation and utilization; to the Committee on Agriculture.

By Mr. FENERTY: Joint resolution (H. J. Res. 360) authorizing the Secretary of State to communicate with various nations in regard to settling the debts owed to the United States; to the Commitee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CROWTHER: A bill (H. R. 8893) for the relief of Arthur Reid; to the Committee on Military Affairs.

By Mr. DISNEY: A bill (H. R. 8894) to extend the benefits of the Employees' Compensation Act of September 7, 1916, to Maude R. Crawford, widow of William M. Crawford, a former special disbursing officer with the Indian Office at Pawhuska, Okla.; to the Committee on Claims.

By Mr. FISH: A bill (H. R. 8895) for the relief of Paul J. Francis; to the Committee on Claims.

By Mr. GRAY of Pennsylvania: A bill (H. R. 8896) granting a pension to James Y. Bowser; to the Committee on Pensions.

By Mr. KELLER: A bill (H. R. 8897) for the relief of Ruby Rardon; to the Committee on Claims.

By Mr. TOLAN: A bill (H. R. 8898) for the relief of Barbara Jean Matthews, a minor; to the Committee on Claims.

By Mr. UNDERWOOD: A bill (H. R. 8899) granting an increase of pension to Mary Briggs; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

9158. By Mr. CLARK of Idaho: Joint memorial passed by the second extraordinary session of the Twenty-third Legislature of Idaho, regarding submarginal farm land; to the Committee on Agriculture.

9159. By Mr. SADOWSKI: Petition of the Department of Michigan, Veterans of Foreign Wars of the United States, endorsing the establishment of a veterans' hospital in the Detroit area; to the Committee on World War Veterans' Legislation.

9160. Also, petition of the Department of Michigan, Veterans of Foreign Wars, petitioning the reconsideration of the drastic ruling to enable any veteran physically fit to secure enlistment in the veteran's contingent of the Civilian Conservation Corps; to the Committee on World War Veterans' Legislation.